General Assembly

Bill No. 6004

May 9 Special Session, 2002

LCO No. **5871**

Referred to Committee on No Committee

Introduced by:
REP. LYONS, 146th Dist.
SEN. SULLIVAN, 5th Dist.

AN ACT CONCERNING STATE EXPENDITURES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-76g of the general statutes, as amended by section 64 of public act 01-173 and section 5 of public act 01-1 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) For the fiscal year ending June 30, 1984, and each fiscal year thereafter, in any case in which special education is being provided at a private residential institution, including the residential components of regional educational service centers, to a child for whom no local or regional board of education can be found responsible under subsection (b) of section 10-76d, as amended, the Department of Children and Families shall pay the costs of special education to such institution pursuant to its authority under sections 17a-1 to 17a-26, inclusive, as amended, 17a-28 to 17a-50, inclusive, as amended, and 17a-52. (2) For the fiscal year ending June 30, 1993, and each fiscal year thereafter, any local or regional board of education which provides special education

and related services for any child (A) who is placed by a state agency in a private residential facility or who is placed in a facility or institution operated by the Department of Children and Families and who receives such special education at a program operated by a regional education service center or program operated by a local or regional board of education, and (B) for whom no local or regional board of education can be found responsible under subsection (b) of section 10-76d, as amended, shall be eligible to receive one hundred per cent of the reasonable costs of special education for such child as defined in the regulations of the State Board of Education. Any such board eligible for payment shall file with the state Department of Education, in such manner as prescribed by the Commissioner of Education, annually, on or before December first a statement of the cost of providing special education for such child, provided a board of education may submit, not later than February first, claims for additional children or costs not included in the December filing. Payment by the state for such costs shall be made to the local or regional board of education as follows: Seventy-five per cent of the cost in February and the balance in April.

(b) Any local or regional board of education which provides special education pursuant to the provisions of sections 10-76a to 10-76g, inclusive, as amended, for any exceptional child described in subparagraph (A) of subdivision (5) of section 10-76a, under its jurisdiction, excluding (1) children placed by a state agency for whom a board of education receives payment pursuant to the provisions of subdivision (2) of subsection (e) of section 10-76d, as amended, and (2) children who require special education, who reside on state-owned or leased property or in permanent family residences, as defined in section 17a-154, and who are not the educational responsibility of the unified school districts established pursuant to sections 17a-37, 17a-240, as amended, and 18-99a, shall be financially responsible for the reasonable costs of special education instruction, as defined in the regulations of the State Board of Education, in an amount equal to (A) for any fiscal year commencing prior to July 1, **[**2002**]** 2003, five times

the average per pupil educational costs of such board of education for the prior fiscal year, determined in accordance with the provisions of subsection (a) of section 10-76f, and (B) for the fiscal year commencing July 1, **[**2002**]** 2003, and each fiscal year thereafter, four and one-half times such average per pupil educational costs of such board of education. The State Board of Education shall pay on a current basis any costs in excess of the local or regional board's basic contribution paid by such board in accordance with the provisions of this subsection. Any amounts paid by the State Board of Education on a current basis pursuant to this subsection shall not be reimbursable in the subsequent year. Application for such grant shall be made by filing with the Department of Education, in such manner as prescribed by the commissioner, annually on or before December first a statement of the cost of providing special education pursuant to this subsection, provided a board of education may submit, not later than March first, claims for additional children or costs not included in the December filing. Payment by the state for such excess costs shall be made to the local or regional board of education as follows: Seventy-five per cent of the cost in February and the balance in May. The amount due each town pursuant to the provisions of this subsection shall be paid to the treasurer of each town entitled to such aid, provided the treasurer shall treat such grant, or a portion of the grant, which relates to special education expenditures incurred in excess of such town's board of education budgeted estimate of such expenditures, as a reduction in expenditures by crediting such expenditure account, rather than town revenue. Such expenditure account shall be so credited no later than thirty days after receipt by the treasurer of necessary documentation from the board of education indicating the amount of such special education expenditures incurred in excess of such town's board of education budgeted estimate of such expenditures.

(c) Commencing with the fiscal year ending June 30, 1996, and for each fiscal year thereafter, within available appropriations, each town whose ratio of (1) net costs of special education, as defined in subsection (h) of section 10-76f, for the fiscal year prior to the year in

which the grant is to be paid to (2) the product of its total need students, as defined in section 10-262f, as amended, and the average regular program expenditures, as defined in section 10-262f, as amended, per need student for all towns for such year exceeds the state-wide average for all such ratios shall be eligible to receive a supplemental special education grant. Such grant shall be equal to the product of a town's eligible excess costs and the town's base aid ratio, as defined in section 10-262f, as amended, provided each town's grant shall be adjusted proportionately if necessary to stay within the appropriation. Payment pursuant to this subsection shall be made in June. For purposes of this subsection, a town's eligible excess costs are the difference between its net costs of special education and the amount the town would have expended if it spent at the state-wide average rate.

Sec. 2. Subdivision (6) of subsection (a) of section 10-262h of the general statutes, as amended by section 4 of public act 01-1 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(6) For the fiscal year ending June 30, 1996, and each fiscal year thereafter, a grant in an amount equal to the amount of its target aid as described in subdivision (32) of section 10-262f, as amended, except that such amount shall be capped in accordance with the following: (A) For the fiscal years ending June 30, 1996, June 30, 1997, June 30, 1998, and June 30, 1999, for each town, the maximum percentage increase over its previous year's base revenue shall be the product of five per cent and the ratio of the wealth of the town ranked one hundred fifty-third when all towns are ranked in descending order to each town's wealth, provided no town shall receive an increase greater than five per cent. (B) For the fiscal years ending June 30, 2000, June 30, 2001, June 30, 2002, and June 30, 2003, for each town, the maximum percentage increase over its previous year's base revenue shall be the product of six per cent and the ratio of the wealth of the town ranked one hundred fifty-third when all towns are ranked in descending order

to each town's wealth, provided no town shall receive an increase greater than six per cent. (C) No such cap shall be used for the fiscal year ending June 30, 2004, or any fiscal year thereafter. (D) For the fiscal year ending June 30, 1996, for each town, the maximum percentage reduction from its previous year's base revenue shall be equal to the product of three per cent and the ratio of each town's wealth to the wealth of the town ranked seventeenth when all towns are ranked in descending order, provided no town's grant shall be reduced by more than three per cent. (E) For the fiscal years ending June 30, 1997, June 30, 1998, and June 30, 1999, for each town, the maximum percentage reduction from its previous year's base revenue shall be equal to the product of five per cent and the ratio of each town's wealth to the wealth of the town ranked seventeenth when all towns are ranked in descending order, provided no town's grant shall be reduced by more than five per cent. (F) For the fiscal year ending June 30, 2000, and each fiscal year thereafter, no town's grant shall be less than the grant it received for the prior fiscal year. (G) In addition to the amount determined pursuant to this subdivision, a town shall be eligible for a density supplement if the density of the town is greater than the average density of all towns in the state. The density supplement shall be determined by multiplying the density aid ratio of the town by the foundation level and the town's total need students for the prior fiscal year provided, for the fiscal year ending June 30, 2000, and each fiscal year thereafter, no town's density supplement shall be less than the density supplement such town received for the prior fiscal year. (H) For the fiscal year ending June 30, 1997, the grant determined in accordance with this subdivision for a town ranked one to forty-two when all towns are ranked in descending order according to town wealth shall be further reduced by one and two-hundredths of a per cent and such grant for all other towns shall be further reduced by fifty-six-hundredths of a per cent. (I) For the fiscal year ending June 30, 1998, and each fiscal year thereafter, no town whose school district is a priority school district shall receive a grant pursuant to this subdivision in an amount that is less than the amount received under

such grant for the prior fiscal year. (J) For the fiscal year ending June 30, 2000, and each fiscal year thereafter, no town whose school district is a priority school district shall receive a grant pursuant to this subdivision that provides an amount of aid per resident student that is less than the amount of aid per resident student provided under the grant received for the prior fiscal year. (K) For the fiscal year ending June 30, 1998, and each fiscal year thereafter, no town whose school district is a priority school district shall receive a grant pursuant to this subdivision in an amount that is less than seventy per cent of the sum of (i) the product of a town's base aid ratio, the foundation level and the town's total need students for the fiscal year prior to the year in which the grant is to be paid, (ii) the product of a town's supplemental aid ratio, the foundation level and the sum of the portion of its total need students count described in subparagraphs (B) and (C) of subdivision (25) of section 10-262f for the fiscal year prior to the fiscal year in which the grant is to be paid, and the adjustments to its resident student count described in subdivision (22) of said section 10-262f relative to length of school year and summer school sessions, and (iii) the town's regional bonus. (L) For the fiscal year ending June 30, 2000, and each fiscal year thereafter, no town whose school district is a transitional school district shall receive a grant pursuant to this subdivision in an amount that is less than forty per cent of the sum of (i) the product of a town's base aid ratio, the foundation level and the town's total need students for the fiscal year prior to the fiscal year in which the grant is to be paid, (ii) the product of a town's supplemental aid ratio, the foundation level and the sum of the portion of its total need students count described in subparagraphs (B) and (C) of subdivision (25) of section 10-262f for the fiscal year prior to the fiscal year in which the grant is to be paid, and the adjustments to its resident student count described in subdivision (22) of said section 10-262f relative to length of school year and summer school sessions, and (iii) the town's regional bonus. (M) For the fiscal year ending June 30, 2002, (i) each town whose target aid is capped pursuant to this subdivision shall receive a grant that includes a pro rata share of

twenty-five million dollars based on the difference between its target aid and the amount of the grant determined with the cap, and (ii) all towns shall receive a grant that is at least 1.68 per cent greater than the grant they received for the fiscal year ending June 30, 2001. (N) For the fiscal year ending June 30, 2003, (i) each town whose target aid is capped pursuant to this subdivision shall receive a pro rata share of fifty million dollars based on the difference between its target aid and the amount of the grant determined with the cap, and (ii) each town shall receive a grant that is at least 1.2 per cent more than its base revenue, as defined in subdivision (28) of section 10-262f. (O) For the fiscal year ending June 30, 2003, each town shall receive a grant that is at least equal to the grant it received for the prior fiscal year.

Sec. 3. (*Effective from passage*) Notwithstanding the provisions of section 10-66j of the general statutes, as amended, for the fiscal year ending June 30, 2003, each regional education service center shall receive a grant in a proportion equal to the share of the grant the center would have received if $3,132,515 were provided for grants to all such regional education service centers.

Sec. 4. (NEW) (*Effective from passage*) Each regional vocational-technical school shall provide access to directory information and on-campus recruiting opportunities to representatives of the armed forces of the United States of America and state armed services to the extent necessary under federal law to prevent the loss of federal funds to such school or to the state of Connecticut. The disclosure of information pursuant to this section shall otherwise be subject to the provisions of the Freedom of Information Act, as defined in section 1-200 of the general statutes, as amended.

Sec. 5. Section 10-14q of the general statutes, as amended by section 1 of public act 01-205, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2003*):

The provisions of this chapter shall apply to all students requiring special education pursuant to section 10-76a, except in the rare case

when the planning and placement team for an individual student determines that an alternate assessment as specified by the State Board of Education is appropriate. The provisions of this chapter shall not apply to (1) any limited English proficient student, as defined in Title VII of the Improving America's Schools Act of 1994, P.L. 103-382, enrolled in school for ten school months or less, **[**in a bilingual program pursuant to sections 10-17e and 10-17f or to any student enrolled for ten school months or less in an English as a second language program**]** or (2) any limited English proficient student enrolled in school for more than ten school months and less than twenty school months who scores below the level established by the State Board of Education on the linguistic portion of the designated English mastery standard assessment administered in the month prior to the administration of the state-wide mastery examination.

Sec. 6. (NEW) (*Effective from passage*) (a) In conformance with the No Child Left Behind Act, P.L. 107-110, the Commissioner of Education shall prepare a state-wide education accountability plan, consistent with federal law and regulation. Such plan shall identify the schools and districts in need of improvement, require the development and implementation of improvement plans and utilize rewards and consequences.

(b) Public schools identified by the State Board of Education pursuant to section 10-223b of the general statutes, revision of 1958, revised to January 1, 2001, as schools in need of improvement shall: (1) Continue to be identified as schools in need of improvement, and continue to operate under school improvement plans developed pursuant to said section 10-223b through June 30, 2004; (2) on or before February 1, 2003, be evaluated by the local board of education and determined to be making sufficient or insufficient progress; (3) if found to be making insufficient progress by a local board of education, be subject to a new remediation and organization plan developed by the local board of education; (4) continue to be eligible for available federal or state aid; (5) beginning in February, 2003, be monitored by the

Department of Education for adequate yearly progress, as defined in the state accountability plan prepared in accordance with subsection (a) of this section; and (6) be subject to rewards and consequences as defined in said plan.

Sec. 7. Subsection (a) of section 10-10a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Department of Education shall develop and implement a state-wide public school information system. The system shall be designed for the purpose of establishing a standardized electronic data collection and reporting protocol that will facilitate compliance with state and federal reporting requirements, improve school-to-school and district-to-district information exchanges, and maintain the confidentiality of individual student and staff data. The initial design shall focus on student information, provided the system shall be created to allow for future compatibility with financial, facility and staff data. The system shall provide for the tracking of the performance of individual students on each of the state-wide mastery examinations under section 10-14n in order to allow the department to compare the progress of the same cohort of students who take each examination and to better analyze school performance. **[**for purposes of section 10-223b.**]**

Sec. 8. Section 10a-164a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Board of Governors of Higher Education shall annually request an appropriation to the Department of Higher Education equal to the amount required, for the fiscal year two years prior, for tuition waivers, tuition remissions, grants for educational expenses and student employment under subsection (e) of section 10a-77, subsection (e) of section 10a-99 and subsection (f) of section 10a-105. The department shall allocate any such appropriation to The University of Connecticut, each of the Connecticut state universities and each of the

regional community-technical colleges in accordance with a formula approved by the Board of Governors of Higher Education. The formula shall take into account the amount of federal student aid received by students at each institution. The amounts allocated shall be used to provide grants for educational expenses and student employment for residents of the state who demonstrate substantial financial need and are enrolled as full-time or part-time matriculated students in a degree-granting program or a precollege remedial program. **[**or are enrolled in Charter Oak State College and are attending a public institution of higher education.**]** For each fiscal year a minimum of ten per cent of the total amount of state student financial aid appropriated to each institution which exceeds the amount received by each institution for the fiscal year ending June 30, 1987, shall be used for student financial aid for needy minority students in accordance with the board's strategic plan for racial and ethnic diversity under section 10a-11. For each fiscal year a minimum of five per cent of the total amount of state student financial aid appropriated to each institution which exceeds the amount received by each institution for the fiscal year ending June 30, 1988, shall be used for on-campus or off-campus community service work-study placements. Individual awards shall not exceed a student's calculated financial need as determined on the basis of a needs analysis system approved by the United States Department of Education. Financial aid provided to Connecticut residents under this program shall be designated as a grant from the Connecticut aid to public college students grant program.

(b) Notwithstanding the provisions of subsection (a) of this section to the contrary, for the fiscal years ending June 30, 1989, and June 30, 1990, no institution shall have its allocation pursuant to this section reduced for the subsequent fiscal year solely because the institution did not use, for on-campus or off-campus community service work-study placements, a minimum of five per cent of the total amount of state student financial aid appropriated to the institution which exceeds the amount received by the institution for the fiscal year

ending June 30, 1988.

(c) The Board of Governors of Higher Education shall request an appropriation to the Department of Higher Education for each year of the biennium equal to the amount set aside by Charter Oak State College in the previous fiscal year for fee waivers. Such amount shall not exceed fifteen per cent of the tuition and fees paid in the previous fiscal year. The Department of Higher Education shall allocate any such appropriation to Charter Oak State College to be used to provide grants for educational expenses to residents of the state who demonstrate substantial financial need and who are matriculated in a degree program at Charter Oak State College. Individual awards shall not exceed a student's calculated financial need as determined by a needs analysis system approved by the United States Department of Education.

Sec. 9. (*Effective from passage*) (a) For the fiscal year ending June 30, 2003, the amount of the payments made in accordance with the following sections of the general statutes shall be reduced proportionately in the event that the total of such payments in said year exceeds the amount appropriated for the purposes of said sections with respect to said year, notwithstanding the provisions of said sections: Sections 11-24b, 10-54, 10-97, 10-273a, 10-215b, 10-17g and 10-292o.

(b) Notwithstanding the provisions of the general statutes, for the fiscal year ending June 30, 2003, after determination of any prior year adjustments, the amount of the grant payable to each grantee under section 10-71, 10-266m, 10-277 or 10-217a, as amended, of the general statutes shall be reduced proportionately to remain within the available appropriation.

(c) Notwithstanding the provisions of subsection (b) of section 10-76g, as amended, subdivisions (2) and (3) of subsection (e) of section 10-76d, subdivision (2) of subsection (a) of section 10-76g and subsection (b) of section 10-253 of the general statutes, the total amount

of grant pursuant to said sections to any grantee shall be limited to its proportional share of the total grants calculated pursuant to said sections times the total available appropriated amount.

Sec. 10. Section 10-16p of the general statutes is amended by adding subsection (e) as follows (*Effective from passage*):

(e) Notwithstanding any provisions of this section, for the fiscal year ending June 30, 2003, the amount available for the competitive grant program shall be $2,576,580 and the maximum administrative amount shall not be more than $198,199.

Sec. 11. (*Effective from passage*) Notwithstanding the provisions of subsection (g) of section 32-305 of the general statutes, as amended by section 5 of public act 01-6 of the June special session, for the fiscal year ending June 30, 2003, the sum of $350,000 to be allocated to the Department of Transportation pursuant to subdivision (7) of said section, shall be allocated to the Connecticut Historical Commission to continue operations of Connecticut's museums.

Sec. 12. Subsection (c) of section 10-320b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The Connecticut Historical Commission shall be within the **[**Department of Education**]** State Library for administrative purposes only.

Sec. 13. (NEW) (*Effective from passage*) The Board of Trustees of the Community-Technical Colleges may, within available appropriations, develop manufacturing technology centers on three community-technical college campuses in geographically diverse locations.

Sec. 14. Subsection (a) of section 10a-22b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person, board, association, partnership, corporation or other entity shall offer occupational instruction unless such person, board, association, partnership, corporation or other entity first receives from the Commissioner of Higher Education a certificate authorizing the occupational instruction to be offered. Except for initial authorizations, the Commissioner of Higher Education shall accept institutional accreditation by an accrediting agency recognized by the United States Department of Education, in satisfaction of the requirements of this section and section 10a-22d, including the evaluation and attendance requirement, unless the commissioner finds reasonable cause not to rely upon such accreditation.

Sec. 15. Section 17b-491 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective September 1, 2002*):

(a) There shall be a "Connecticut Pharmaceutical Assistance Contract to the Elderly and the Disabled Program" which shall be within the Department of Social Services. The program shall consist of payments by the state to pharmacies for the reasonable cost of prescription drugs dispensed to eligible persons minus a copayment charge. **[**, effective July 1, 1993, of twelve dollars for each prescription.**]** The pharmacy shall collect the copayment charge from the eligible person at the time of each purchase of prescription drugs, and shall not waive, discount or rebate in whole or in part such amount. For an individual who is determined eligible to participate in the program on or after September 1, 2002, said copayment for each prescription shall be:

(1) Twelve dollars if the participant is (A) not married and has an annual income of less than fifteen thousand nine hundred dollars, or (B) is married and has an annual income that, when combined with the participant's spouse, is less than twenty-one thousand five hundred dollars.

(2) Fifteen dollars if the participant is (A) not married and has an annual income that (i) equals or exceeds fifteen thousand nine hundred

dollars, and (ii) equals or is less than twenty thousand dollars, or (B) married and has an annual income that, when combined with the participant's spouse (i) equals or exceeds twenty-one thousand five hundred dollars, and (ii) equals or is less than twenty-seven thousand one hundred dollars.

(3) Upon the granting of a federal waiver to expand the program in accordance with section 17b-492, as amended, the copayment shall be twenty dollars for a participant who is (A) not married and has an annual income that exceeds twenty thousand dollars, or (B) married and has an annual income that, when combined with the participant's spouse, exceeds twenty-seven thousand one hundred dollars.

(b) Notwithstanding subsection (a) of this section, an individual who is determined eligible to participate in the program prior to September 1, 2002, shall be responsible for a copayment of twelve dollars for each prescription except that such participant shall pay a copayment of twenty dollars per prescription if the participant has an annual income that exceeds (1) twenty thousand dollars if not married, or (2) if married, when combined with the participant's spouse, twenty-seven thousand one hundred dollars. This subsection shall not apply to an individual who was determined eligible to participate in the program prior to September 1, 2002, and who subsequently reapplies for benefits for any reason after any period of any eligibility. Such individual shall be determined to be responsible for a copayment in accordance with subsection (a) of this section. For purposes of this subsection a redetermination by the Department of Social Services shall not be considered a reapplication for benefits.

(c) On January 1, 2002, and annually thereafter, the commissioner shall increase the income limits established in subsections (a) and (b) of this section that set the appropriate participant copayment by the increase in the annual inflation adjustment in Social Security income, if any. Each such adjustment shall be determined to the nearest one hundred dollars.

[(b)**]** (d) Notwithstanding the provisions of subsection (a), effective September 15, 1991, payment by the state to a pharmacy under the program may be based on the price paid directly by a pharmacy to a pharmaceutical manufacturer for drugs dispensed under the program minus the copayment charge, plus the dispensing fee, if the direct price paid by the pharmacy is lower than the reasonable cost of such drugs.

[(c)**]** (e) Effective September 15, 1991, reimbursement to a pharmacy for prescription drugs dispensed under the program shall be based upon actual package size costs of drugs purchased by the pharmacy in units larger than or smaller than one hundred.

[(d)**]** (f) The commissioner shall establish an application form whereby a pharmaceutical manufacturer may apply to participate in the program. Upon receipt of a completed application, the department shall issue a certificate of participation to the manufacturer. Participation by a pharmaceutical manufacturer shall require that the department shall receive a rebate from the pharmaceutical manufacturer. Rebate amounts for brand name prescription drugs shall be equal to those under the Medicaid program. Rebate amounts for generic prescription drugs shall be established by the commissioner, provided such amounts may not be less than those under the Medicaid program. A participating pharmaceutical manufacturer shall make quarterly rebate payments to the department for the total number of dosage units of each form and strength of a prescription drug which the department reports as reimbursed to providers of prescription drugs, provided such payments shall not be due until thirty days following the manufacturer's receipt of utilization data from the department including the number of dosage units reimbursed to providers of prescription drugs during the quarter for which payment is due.

[(e)**]** (g) All prescription drugs of a pharmaceutical manufacturer that participates in the program pursuant to subsection (d) of this section shall be subject to prospective drug utilization review. Any

prescription drug of a manufacturer that does not participate in the program shall not be reimbursable, unless the department determines the prescription drug is essential to program participants.

Sec. 16. Subsection (a) of section 17b-492 of the general statutes, as amended by section 22 of public act 01-2 of the June special session and section 129 of public act 01-9 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective September 1, 2002*):

(a) Eligibility for participation in the program shall be limited to any resident (1) who is sixty-five years of age or older or who is disabled, (2) (A) whose annual income, if unmarried, is less than thirteen thousand eight hundred dollars, except after April 1, 2002, such annual income is less than twenty thousand dollars, or whose annual income, if married, when combined with that of the resident's spouse is less than sixteen thousand six hundred dollars, except after April 1, 2002, such combined annual income is less than twenty-seven thousand one hundred dollars, or (B) in the event the program is granted a waiver to be eligible for federal financial participation, then, after July 1, 2002, whose annual income, if unmarried, is less than twenty-five thousand eight hundred dollars, or whose annual income, if married, when combined with that of the resident's spouse is less than thirty-four thousand eight hundred dollars, (3) who is not insured under a policy which provides full or partial coverage for prescription drugs once a deductible amount is met, and (4) on and after September 15, 1991, who pays an annual twenty-five-dollar registration fee to the Department of Social Services. Effective January 1, 2002, the commissioner shall commence accepting applications from individuals who will become eligible to participate in the program as of April 1, 2002. On January 1, 1998, and annually thereafter, the commissioner shall **[**, by the adoption of regulations in accordance with chapter 54,**]** increase the income limits established under this subsection over those of the previous fiscal year to reflect the annual inflation adjustment in Social Security income, if any. Each such adjustment shall be

determined to the nearest one hundred dollars.

Sec. 17. Subdivision (4) of subsection (f) of section 17b-340 of the general statutes, as amended by section 52 of public act 01-2 of the June special session and sections 95 and 129 of public act 01-9 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) For the fiscal year ending June 30, 1992, (A) no facility shall receive a rate that is less than the rate it received for the rate year ending June 30, 1991; (B) no facility whose rate, if determined pursuant to this subsection, would exceed one hundred twenty per cent of the state-wide median rate, as determined pursuant to this subsection, shall receive a rate which is five and one-half per cent more than the rate it received for the rate year ending June 30, 1991; and (C) no facility whose rate, if determined pursuant to this subsection, would be less than one hundred twenty per cent of the state-wide median rate, as determined pursuant to this subsection, shall receive a rate which is six and one-half per cent more than the rate it received for the rate year ending June 30, 1991. For the fiscal year ending June 30, 1993, no facility shall receive a rate that is less than the rate it received for the rate year ending June 30, 1992, or six per cent more than the rate it received for the rate year ending June 30, 1992. For the fiscal year ending June 30, 1994, no facility shall receive a rate that is less than the rate it received for the rate year ending June 30, 1993, or six per cent more than the rate it received for the rate year ending June 30, 1993. For the fiscal year ending June 30, 1995, no facility shall receive a rate that is more than five per cent less than the rate it received for the rate year ending June 30, 1994, or six per cent more than the rate it received for the rate year ending June 30, 1994. For the fiscal years ending June 30, 1996, and June 30, 1997, no facility shall receive a rate that is more than three per cent more than the rate it received for the prior rate year. For the fiscal year ending June 30, 1998, a facility shall receive a rate increase that is not more than two per cent more than the rate that the facility received in the prior year. For the fiscal year ending June

30, 1999, a facility shall receive a rate increase that is not more than three per cent more than the rate that the facility received in the prior year and that is not less than one per cent more than the rate that the facility received in the prior year, exclusive of rate increases associated with a wage, benefit and staffing enhancement rate adjustment added for the period from April 1, 1999, to June 30, 1999, inclusive. For the fiscal year ending June 30, 2000, each facility, except a facility with an interim rate or replaced interim rate for the fiscal year ending June 30, 1999, and a facility having a certificate of need or other agreement specifying rate adjustments for the fiscal year ending June 30, 2000, shall receive a rate increase equal to one per cent applied to the rate the facility received for the fiscal year ending June 30, 1999, exclusive of the facility's wage, benefit and staffing enhancement rate adjustment. For the fiscal year ending June 30, 2000, no facility with an interim rate, replaced interim rate or scheduled rate adjustment specified in a certificate of need or other agreement for the fiscal year ending June 30, 2000, shall receive a rate increase that is more than one per cent more than the rate the facility received in the fiscal year ending June 30, 1999. For the fiscal year ending June 30, 2001, each facility, except a facility with an interim rate or replaced interim rate for the fiscal year ending June 30, 2000, and a facility having a certificate of need or other agreement specifying rate adjustments for the fiscal year ending June 30, 2001, shall receive a rate increase equal to two per cent applied to the rate the facility received for the fiscal year ending June 30, 2000, subject to verification of wage enhancement adjustments pursuant to subdivision (15) of this subsection. For the fiscal year ending June 30, 2001, no facility with an interim rate, replaced interim rate or scheduled rate adjustment specified in a certificate of need or other agreement for the fiscal year ending June 30, 2001, shall receive a rate increase that is more than two per cent more than the rate the facility received for the fiscal year ending June 30, 2000. For the fiscal year ending June 30, 2002, each facility shall receive a rate that is two and one-half per cent more than the rate the facility received in the prior fiscal year. For the fiscal year ending June 30, 2003, each facility shall

receive a rate that is two per cent more than the rate the facility received in the prior fiscal year, except that such increase shall be effective January 1, 2003, and such facility rate in effect for the fiscal year ending June 30, 2002, shall be paid for services provided until December 31, 2002, except any facility that would have been issued a lower rate effective July 1, 2002, than for the fiscal year ending June 30, 2002, due to interim rate status or agreement with the department shall be issued such lower rate effective July 1, 2002, and have such rate increased two per cent effective January 1, 2003. The Commissioner of Social Services shall add fair rent increases to any other rate increases established pursuant to this subdivision for a facility which has undergone a material change in circumstances related to fair rent.

Sec. 18. Subsection (g) of section 17b-340 of the general statutes, as amended by sections 38 and 62 of public act 01-2 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage):*

(g) For the fiscal year ending June 30, 1993, any intermediate care facility for the mentally retarded with an operating cost component of its rate in excess of one hundred forty per cent of the median of operating cost components of rates in effect January 1, 1992, shall not receive an operating cost component increase. For the fiscal year ending June 30, 1993, any intermediate care facility for the mentally retarded with an operating cost component of its rate that is less than one hundred forty per cent of the median of operating cost components of rates in effect January 1, 1992, shall have an allowance for real wage growth equal to thirty per cent of the increase determined in accordance with subsection (q) of section 17-311-52 of the regulations of Connecticut state agencies, provided such operating cost component shall not exceed one hundred forty per cent of the median of operating cost components in effect January 1, 1992. Any facility with real property other than land placed in service prior to October 1, 1991, shall, for the fiscal year ending June 30, 1995, receive a rate of return on real property equal to the average of the rates of

return applied to real property other than land placed in service for the five years preceding October 1, 1993. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, the rate of return on real property for property items shall be revised every five years. The commissioner shall, upon submission of a request, allow actual debt service, comprised of principal and interest, in excess of property costs allowed pursuant to section 17-311-52 of the regulations of Connecticut state agencies, provided such debt service terms and amounts are reasonable in relation to the useful life and the base value of the property. For the fiscal year ending June 30, 1995, and any succeeding fiscal year, the inflation adjustment made in accordance with subsection (p) of section 17-311-52 of the regulations of Connecticut state agencies, shall not be applied to real property costs. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, the allowance for real wage growth as determined in accordance with subsection (q) of section 17-311-52 of the regulations of Connecticut state agencies, shall not be applied. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, no rate shall exceed three hundred seventy-five dollars per day unless the commissioner, in consultation with the Commissioner of Mental Retardation, determines after a review of program and management costs, that a rate in excess of this amount is necessary for care and treatment of facility residents. For the fiscal year ending June 30, 2002, rate period, the Commissioner of Social Services shall increase the inflation adjustment for rates made in accordance with subsection (p) of section 17-311-52 of the Regulations of State Agencies to update allowable fiscal year 2000 costs to include a three and one-half per cent inflation factor. For the fiscal year ending June 30, 2003, rate period, the commissioner shall increase the inflation adjustment for rates made in accordance with subsection (p) of section 17-311-52 of the Regulations of State Agencies to update allowable fiscal year 2001 costs to include a one and one-half per cent inflation factor, except that such increase shall be effective November 1, 2002, and such facility rate in effect for the fiscal year ending June 30, 2002, shall be paid for services provided

until October 31, 2002, except any facility that would have been issued a lower rate effective July 1, 2002, than for the fiscal year ending June 30, 2002, due to interim rate status or agreement with the department shall be issued such lower rate effective July 1, 2002, and have such rate updated effective November 1, 2002, in accordance with applicable statutes and regulations.

Sec. 19. Section 17b-257 of the general statutes, as amended by section 59 of public act 01-2 of the June special session and section 129 of public act 01-9 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

On and after July 1, 1998, the Commissioner of Social Services shall implement a state medical assistance program for persons ineligible for Medicaid and on or before April 1, 1997, the commissioner shall implement said program in the towns in which the fourteen regional or district offices of the Department of Social Services are located. The commissioner shall establish a schedule for the transfer of recipients of medical assistance administered by towns under the general assistance program to the state program. To the extent possible, the administration of the state medical assistance program shall parallel that of the Medicaid program as it is administered to recipients of temporary family assistance, including eligibility criteria concerning income and assets. Payment for medical services shall be made only for individuals determined eligible. The rates of payment for medical services shall be those of the Medicaid program. Medical services covered under the program shall be those covered under the Medicaid program, except that nonemergency medical transportation, eye care, optical hardware and optometry care, podiatry, chiropractic, natureopathy, home health care and long-term care and services available pursuant to a home and community-based services waiver under Section 1915 of the Social Security Act shall not be covered. On or after April 1, 1997, the commissioner shall implement a managed care program for medical services provided under this program, except services provided pursuant to section 17a-453a.

Notwithstanding the provisions of sections 4a-51 and 4a-57, the commissioner may enter into contracts, including, but not limited to, purchase of service agreements to implement the provisions of this section.

Sec. 20. Subsection (b) of section 17b-259 of the general statutes, as amended by section 60 of public act 01-2 of the June special session and sections 107 and 129 of public act 01-9 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The medical services for which a town shall be liable under this section and for which a town shall be reimbursed by the state shall be limited to the following medically necessary services provided such services are covered under the Medicaid program: (1) Physician services, (2) hospital services, on an inpatient basis subject to the provisions of section 17b-220 and outpatient care, (3) community clinic services, (4) prescription drugs, excluding over-the-counter drugs, (5) hearing aids, (6) laboratory and x-ray services, (7) emergency dental services, (8) emergency medical transportation, **[**(9) glasses, and (10)**]** and (9) examinations (A) needed to determine unemployability, or (B) requested by an attorney to establish the eligibility of a person receiving general assistance benefits for federal supplementary security income benefits pursuant to section 17b-119. Services not covered under this program include, but are not limited to, nonemergency medical transportation, eye care, optical hardware and optometry care, podiatry, chiropractic, natureopathy and home health care. In lieu of providing medical services, in accordance with this section, a town or group of towns may submit a plan to the Department of Social Services for approval to provide medical services in some other manner. The department shall approve the plan only if the persons served under it receive at least the services listed in this subsection and the plan offers the possibility of improved medical care or cost savings. The department shall encourage a town or group of towns to contract for the management of such medically necessary

services.

Sec. 21. (*Effective from passage*) Notwithstanding the provisions of chapter 372 of the general statutes, during the period commencing on the effective date of this section and ending thirty days after said effective date, the Department of Public Health shall issue a license to practice chiropractic to any applicant who presents to the department satisfactory evidence that the applicant: (1) Has graduated from an accredited school of chiropractic approved by the State Board of Chiropractic Examiners with the consent of the Commissioner of Public Health; (2) holds current licensure as a chiropractor in at least two other states; (3) has practiced chiropractic for not less than twenty years; and (4) has served as dean of an accredited school of chiropractic at an institute of higher education in this state for not less than five years consecutively, while serving as a professor of clinical sciences during such tenure.

Sec. 22. Section 17b-257b of the general statutes, as amended by section 109 of public act 01-9 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Qualified aliens, as defined in Section 431 of Public Law 104-193, admitted into the United States on or after August 22, 1996, other lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law who have been determined eligible for Medicaid or for state-administered general assistance medical aid prior to July 1, 1997, may be eligible for state-funded medical assistance which shall provide coverage to the same extent as the Medicaid program, state-administered general assistance medical aid or the HUSKY Plan, Part B provided other conditions of eligibility are met. Such qualified aliens or lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law who have not been determined eligible for Medicaid or for state-administered general assistance medical aid prior to July 1, 1997, shall be eligible for state-funded assistance or the

HUSKY Plan, Part B subsequent to six months from establishing residency in this state. The Commissioner of Social Services shall not accept applications for assistance pursuant to this section on or after **[**June 30, 2002**]** June 30, 2003. Notwithstanding the provisions of this section, any qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has mental retardation shall be eligible for state-funded assistance or the HUSKY Plan, Part B pursuant to this section. Only individuals who are not eligible for Medicaid shall be eligible for state-funded assistance pursuant to this section.

Sec. 23. Subsection (a) of section 17b-342 of the general statutes, as amended by section 110 of public act 01-9 of the June special session, is repealed and the following is substituted in lieu thereof *(Effective from passage*):

(a) The Commissioner of Social Services shall administer the Connecticut home-care program for the elderly state-wide in order to prevent the institutionalization of elderly persons (1) who are recipients of medical assistance, (2) who are eligible for such assistance, (3) who would be eligible for medical assistance if residing in a nursing facility, or (4) who meet the criteria for the state-funded portion of the program under subsection (i) of this section. For purposes of this section, a long-term care facility is a facility which has been federally certified as a skilled nursing facility or intermediate care facility. The commissioner shall make any revisions in the state Medicaid plan required by Title XIX of the Social Security Act prior to implementing the program. The annualized cost of the community-based services provided to such persons under the program shall not exceed sixty per cent of the weighted average cost of care in skilled nursing facilities and intermediate care facilities. The program shall be structured so that the net cost to the state for long-term facility care in combination with the community-based services under the program shall not exceed the net cost the state would have incurred without the

program. The commissioner shall investigate the possibility of receiving federal funds for the program and shall apply for any necessary federal waivers. A recipient of services under the program, and the estate and legally liable relatives of the recipient, shall be responsible for reimbursement to the state for such services to the same extent required of a recipient of assistance under the state supplement program, medical assistance program, temporary family assistance program or food stamps program. Only a United States citizen or a noncitizen who meets the citizenship requirements for eligibility under the Medicaid program shall be eligible for home-care services under this section, except a qualified alien, as defined in Section 431 of Public Law 104-193, admitted into the United States on or after August 22, 1996, or other lawfully residing immigrant alien determined eligible for services under this section prior to July 1, 1997, shall remain eligible for such services. The Commissioner of Social Services shall not accept applications for assistance pursuant to this section from a qualified alien, as defined in Section 431 of Public Law 104-193, or other lawfully residing immigrant alien after **[**June 30, 2002**]** June 30, 2003. Qualified aliens or other lawfully residing immigrant aliens not determined eligible prior to July 1, 1997, shall be eligible for services under this section subsequent to six months from establishing residency. Notwithstanding the provisions of this subsection, any qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has mental retardation shall be eligible for assistance pursuant to this section. Qualified aliens, as defined in Section 431 of Public Law 104-193, or other lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law shall be eligible for services under this section provided other conditions of eligibility are met.

Sec. 24. Subsection (a) of section 17b-112c of the general statutes, as amended by section 17 of public act 01-2 and sections 127 and 129 of public act 01-9 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Qualified aliens, as defined in Section 431 of Public Law 104-193, who do not qualify for federally-funded cash assistance, other lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law shall be eligible for solely state-funded temporary family assistance or cash assistance under the state-administered general assistance program, provided other conditions of eligibility are met. An individual who is granted assistance under this section must pursue citizenship to the maximum extent allowed by law as a condition of eligibility unless incapable of doing so due to a medical problem, language barrier or other reason as determined by the Commissioner of Social Services. Notwithstanding the provisions of this section, any qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has mental retardation shall be eligible for assistance under this section. The commissioner shall not accept new applications for assistance under this subsection after **[**June 30, 2002**]** June 30, 2003.

Sec. 25. Subsection (a) of section 17b-790a of the general statutes, as amended by section 18 of public act 01-2 and section 129 of public act 01-9 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Social Services, within available appropriations, shall establish a food assistance program for individuals entering the United States prior to April 1, 1998, whose immigrant status meets the eligibility requirements of the federal Food Stamp Act of 1977, as amended, but who are no longer eligible for food stamps solely due to their immigrant status under Public Law 104-193. The commissioner shall not accept new applications for assistance under this section after **[**June 30, 2002**]** June 30, 2003. Individuals who enter the United States after April 1, 1998, must have resided in the state for six months prior to becoming eligible for the state program. The commissioner may administer such program in accordance with the provisions of the federal food stamp program, except those

pertaining to the determination of immigrant status under Public Law 104-193.

Sec. 26. (*Effective from passage*) Notwithstanding the provisions of subsection (a) of section 20-195dd of the general statutes, during the period commencing on the effective date of this section and ending thirty days after said effective date, an applicant for licensure as a professional counselor under chapter 383c of the general statutes, in lieu of the requirements set forth in said subsection, may submit evidence satisfactory to the Commissioner of Public Health of having: (1) Earned a master's degree in education from a regionally accredited institution of higher education; (2) completed at least seventy credit hours leading to a degree in clinical psychology from a regionally accredited institution of higher education; (3) practiced professional counseling for a minimum of ten years within a fifteen-year period immediately preceding the date of application; and (4) passed an examination prescribed by the commissioner.

Sec. 27. (NEW) *(Effective from passage)* (a) The Commissioner of Social Services may, within available appropriations, establish and operate a pilot program to allow not more than fifty persons to receive assisted living services, provided by an assisted living services agency licensed by the Department of Public Health in accordance with chapter 368v of the general statutes. In order to be eligible for the program, a person shall: (1) Reside in a managed residential community, as defined by the regulations of the Department of Public Health; (2) be ineligible to receive assisted living services under any other assisted living pilot program established by the General Assembly; and (3) be eligible for services under the Medicaid waiver portion of the Connecticut home-care program for the elderly established under section 17b-342 of the general statutes, as amended. The Commissioner of Social Services shall use the current Medicaid rules under 42 USC 1396p(c), as from time to time amended.

(b) The pilot program established pursuant to this section may

begin operation on or after January 1, 2003. Not later than January 1, 2005, the Commissioner of Social Services shall report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to public health, human services, appropriations and the budgets of state agencies on the pilot program.

Sec. 28. (NEW) (*Effective from passage*) (a) The Commissioner of Social Services may, within available appropriations, establish and operate a pilot program to allow not more than twenty-five persons to receive assisted living services, provided by an assisted living services agency licensed by the Department of Public Health, in accordance with chapter 368v of the general statutes. In order to be eligible for the pilot program, a person shall: (1) Reside in a managed residential community, as defined by the regulations of the Department of Public Health; (2) be ineligible to receive assisted living services under any other assisted living pilot program established by the General Assembly; and (3) be eligible for services under the state-funded portion of the Connecticut home-care program for the elderly established under section 17b-342 of the general statutes, as amended. The Commissioner of Social Services shall use the current Medicaid rules under 42 USC 1396p(c), as from time to time amended.

(b) The pilot program established pursuant to this section may begin operation on or after January 1, 2003. Not later than January 1, 2005, the Commissioner of Social Services shall report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to public health, human services, appropriations and the budgets of state agencies on the pilot program.

Sec. 29. Subsection (b) of section 46b-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) If it appears from the specific allegations of the petition and

other verified affirmations of fact accompanying the petition and application, or subsequent thereto, that there is reasonable cause to believe that (1) the child or youth is suffering from serious physical illness or serious physical injury or is in immediate physical danger from **[**his**]** the child's or youth's surroundings, and (2) that as a result of said conditions, the child's or youth's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's or youth's safety, the court shall either (A) issue an order to the parents or other person having responsibility for the care of the child or youth to appear at such time as the court may designate to determine whether the court should vest in some suitable agency or person the child's or youth's temporary care and custody pending disposition of the petition, or (B) issue an order ex parte vesting in some suitable agency or person the child's or youth's temporary care and custody. A preliminary hearing on any ex parte custody order or order to appear issued by the court shall be held within ten days from the issuance of such order. The service of such orders may be made by any officer authorized by law to serve process, or by any probation officer appointed in accordance with section 46b-123, investigator from the Department of Administrative Services, state or local police officer or indifferent person. Such orders shall include a conspicuous notice to the respondent written in clear and simple language containing at least the following information: (i) That the order contains allegations that conditions in the home have endangered the safety and welfare of the child or youth; (ii) that a hearing will be held on the date on the form; (iii) that the hearing is the opportunity to present the parents' position concerning the alleged facts; (iv) that an attorney will be appointed for parents who cannot afford an attorney; (v) that such parents may apply for a court-appointed attorney by going in person to the court address on the form and are advised to go as soon as possible in order for the attorney to prepare for the hearing; and (vi) if such parents have any questions concerning the case or appointment of counsel, any such parent is advised to go to the court or call the clerk's office at the court as soon as possible. Upon application for appointed counsel, the

court shall promptly determine eligibility and, if the respondent is eligible, promptly appoint counsel. The expense for any temporary care and custody shall be paid by the town in which such child or youth is at the time residing, and such town shall be reimbursed therefore by the town found liable for **[**his**]** the child's or youth's support, except that where a state agency has filed a petition pursuant to the provisions of subsection (a) of this section, the agency shall pay such expense. The agency shall give primary consideration to placing the child or youth in the town where such child or youth resides. The agency shall file in writing with the clerk of the court the reasons for placing the child or youth in a particular placement outside the town where the child or youth resides. Upon issuance of an ex parte order, the court shall provide to the commissioner and the parent or guardian specific steps necessary for each to take to address the ex parte order for the parent or guardian to retain or regain custody of the child or youth. Upon the issuance of such order, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child or youth with his or her parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's or youth's best interests, including the child's or youth's health and safety.

Sec. 30. Subsection (j) of section 46b-129 of the general statutes, as amended by section 6 of public act 01-142, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(j) Upon finding and adjudging that any child or youth is uncared-for, neglected or dependent, the court may commit such child or youth to the Commissioner of Children and Families. Such commitment shall remain in effect until further order of the court pursuant to the provisions of subsection (k) of this section, provided such commitment may be revoked or parental rights terminated at any time by the court, or the court may vest such child's or youth's care and personal custody

in any private or public agency which is permitted by law to care for neglected, uncared-for or dependent children or youth or with any person or persons found to be suitable and worthy of such responsibility by the court. The court shall order specific steps which the parent must take to facilitate the return of the child or youth to the custody of such parent. The commissioner shall be the guardian of such child or youth for the duration of the commitment, provided the child or youth has not reached the age of eighteen years or, in the case of a child or youth in full-time attendance in a secondary school, a technical school, a college or a state-accredited job training program, provided such child or youth has not reached the age of twenty-one years, by consent of such youth, or until another guardian has been legally appointed, and in like manner, upon such vesting of the care of such child or youth, such other public or private agency or individual shall be the guardian of such child or youth until such child or youth has reached the age of eighteen years or, in the case of a child or youth in full-time attendance in a secondary school, a technical school, a college or a state-accredited job training program, until such child or youth has reached the age of twenty-one years or until another guardian has been legally appointed. Said commissioner may place any child or youth so committed to the commissioner in a suitable foster home or in the home of a person related by blood to such child or youth or in a licensed child-caring institution or in the care and custody of any accredited, licensed or approved child-caring agency, within or without the state, provided a child shall not be placed outside the state except for good cause and unless the parents or guardian of such child are notified in advance of such placement and given an opportunity to be heard, or in a receiving home maintained and operated by the Commissioner of Children and Families. In placing such child or youth, said commissioner shall, if possible, select a home, agency, institution or person of like religious faith to that of a parent of such child or youth, if such faith is known or may be ascertained by reasonable inquiry, provided such home conforms to the standards of said commissioner and the commissioner shall, when

placing siblings, if possible, place such children together. As an alternative to commitment, the court may place the child or youth in the custody of the parent or guardian with protective supervision by the Commissioner of Children and Families subject to conditions established by the court. Upon the issuance of an order committing the child or youth to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child or youth with his or her parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's or youth's best interests, including the child's or youth's health and safety.

Sec. 31. Section 45a-607 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) When application has been made for the removal of one or both parents as guardians or of any other guardian of the person of a minor child, or when an application has been made for the termination of the parental rights of any parties who may have parental rights with regard to any minor child, or when, in any proceeding the court has reasonable grounds to believe that any minor child has no guardian of his or her person, the court of probate in which the proceeding is pending may issue an order awarding temporary custody of the minor child to a person other than the parent or guardian, with or without the parent's or guardian's consent, but such order may only be issued in accordance with the provisions of this section.

(b) In the case of a minor child in the custody of the parent or other guardian, no application for custody of such minor child may be granted ex parte, except in accordance with subdivision (2) of this subsection. In the case of a minor child in the custody of a person other than the parent or guardian, no application for custody may be granted ex parte, except in accordance with subdivisions (1) to (3),

inclusive, of this subsection.

(1) An application for immediate temporary custody shall be accompanied by an affidavit made by the custodian of such minor child under penalty of false statement, stating the circumstances under which such custody was obtained, the length of time the affiant has had custody and specific facts which would justify the conclusion that determination cannot await the hearing required by subsection (c) of this section. Upon such application, the court may grant immediate temporary custody to the affiant or some other suitable person if the court finds that: (A) The minor child was not taken or kept from the parent, parents or guardian, and (B) there is a substantial likelihood that the minor child will be removed from the jurisdiction prior to a hearing under subsection (c) of this section, or (C) to return the minor child to the parent, parents or guardian would place the minor child in circumstances which would result in serious physical illness or injury, or the threat thereof, or imminent physical danger prior to a hearing under subsection (c) of this section.

(2) In the case of a minor child who is hospitalized as a result of serious physical illness or serious physical injury, an application for immediate temporary custody shall contain a certificate signed by two physicians licensed to practice medicine in this state stating that (A) the minor child is in need of immediate medical or surgical treatment, the delay of which would be life threatening, (B) the parent, parents or guardian of the minor child refuses or is unable to consent to such treatment, and (C) determination of the need for temporary custody cannot await notice of hearing. Upon such application, the court may grant immediate temporary custody to some suitable person if it finds that (i) a minor child has suffered from serious physical illness or serious physical injury **[**,**]** and is in need of immediate medical or surgical treatment, (ii) the parent, parents or guardian refuses to consent to such treatment, and (iii) to delay such treatment would be life threatening.

(3) If an order of temporary custody is issued ex parte, notice of the hearing required by subsection (c) of this section shall be given promptly, and the hearing shall be held within five business days of the date of such ex parte order of temporary custody, provided the respondent shall be entitled to continuance upon request. Upon the issuance of an order granting temporary custody of the minor child to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the minor child with his or her parent, parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the minor child's best interests, including the minor child's health and safety. Upon issuance of an ex parte order of temporary custody, the court shall promptly notify the Commissioner of Children and Families, who shall cause an investigation to be made forthwith, in accordance with section 17a-101g, and **[**who**]** shall present **[**his**]** the commissioner's report to the court at the hearing on the application for temporary custody. The hearing on an ex parte order of temporary custody shall not be postponed, except with the consent of the respondent, or, if notice cannot be given as required by this section, a postponement may be ordered by the court for the purpose of a further order of notice.

(c) Except as provided in subsection (b) of this section, upon receipt of an application for temporary custody under this section, the court shall promptly set the time and place for hearing to be held on such application. The court shall order notice of the hearing on temporary custody to be given by regular mail to the Commissioner of Children and Families and by personal service in accordance with section 52-50 to both parents and to the minor child, if over twelve years of age, at least five days prior to the date of the hearing, except that in lieu of personal service on a parent or the father of a minor child born out of wedlock who is either **[**a petitioner**]** an applicant or who signs under penalty of false statement a written waiver of personal service on a

form provided by the Probate Court Administrator, the court may order notice to be given by certified mail, return receipt requested, deliverable to addressee only, at least five days prior to the date of the hearing. If the whereabouts of the parents are unknown, or if such delivery cannot reasonably be effected, then notice shall be ordered to be given by publication. Such notice may be combined with the notice under section 45a-609 or with the notice required under section 45a-716. If the parents are not residents of the state or are absent from the state, the court shall order notice to be given by certified mail, return receipt requested, deliverable to addressee only, at least five days prior to the date of the hearing. If the whereabouts of the parents are unknown, or if delivery cannot reasonably be effected, the court may order notice to be given by publication. Any notice by publication under this subsection shall be in a newspaper which has a circulation at the last-known place of residence of the parents. In either case, such notice shall be given at least five days prior to the date of the hearing, except in the case of notice of hearing on immediate temporary custody under subsection (b) of this section. If the applicant alleges that the whereabouts of a respondent are unknown, such allegation shall be made under penalty of false statement and shall also state the last-known address of the respondent and the efforts which have been made by the applicant to obtain a current address. The applicant shall have the burden of ascertaining the names and addresses of all parties in interest and of proving to the satisfaction of the court that he or she used all proper diligence to discover such names and addresses. Except in the case of newspaper notice, such notice shall include: (1) The time and place of the hearing, (2) a copy of the application for removal or application for termination of parental rights, (3) a copy of the motion for temporary custody, (4) any affidavit or verified petition filed with the motion for temporary custody, (5) any other documents filed by the **[**petitioner**]** applicant, (6) any other orders or notices made by the court of probate, and (7) any request for investigation by the Department of Children and Families or any other person or agency. Such notice shall also inform the respondent of the right to have an

attorney represent him or her [,] and, if he or she is unable to obtain or pay for an attorney, the respondent may request the court of probate to appoint an attorney to represent him or her. Newspaper notice shall include such facts as the court may direct.

(d) If, after hearing, the court finds by a fair preponderance of the evidence (1) that the parent or other guardian has performed acts of omission or commission as set forth in section 45a-610, and (2) that, because of such acts, the minor child is suffering from serious physical illness [,] or serious physical injury, or the immediate threat thereof, or is in immediate physical danger, so as to require that temporary custody be granted, the court may order the custody of the minor child to be given to one of the following, taking into consideration the standards set forth in section 45a-617: (A) The Commissioner of Children and Families; (B) the board of managers of any child-caring institution or organization; [or] (C) any children's home or similar institution licensed or approved by the Commissioner of Children and Families; or (D) any other person. The fact that an order of temporary custody may have been issued ex parte under subsection (b) of this section shall be of no weight in a hearing held under this subsection. The burden of proof shall remain upon the applicant to establish [his] the applicant's case. The court may issue the order without taking into consideration the standards set forth in this section and section 45a-610 [and in this section] if the parent or other guardian consents to the [minor's] temporary removal of the minor child, or the court finds that the minor child has no guardian of his or her person. Upon the issuance of an order giving custody of the minor child to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the minor child with his or her parent, parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the minor child's best interests, including the minor child's health and safety.

(e) Such order for temporary custody shall be effective until disposition of the application for removal of parents or guardians as guardian or for termination of parental rights or until a guardian is appointed for a minor child who has no guardian, unless modified or terminated by the court of probate. Any respondent, temporary custodian or attorney for the minor child may petition the court of probate issuing such order at any time for modification or revocation thereof, and such court shall set a hearing upon receipt of such petition in the same manner as subsection (c) of this section. If the court finds after such hearing that the conditions upon which it based its order for temporary custody no longer exist, and that the conditions set forth in subsection (b) of this section do not exist, then the order shall be revoked and the minor child shall be returned to the custody of the parent or guardian.

(f) A copy of any order issued under this section shall be mailed immediately to the last known address of the parent or other guardian from whose custody the minor child has been removed.

Sec. 32. Section 45a-610 of the general statutes, as amended by section 28 of public act 01-195, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

If the Court of Probate finds that notice has been given or a waiver has been filed, as provided in section 45a-609, it may remove a parent as guardian, if the court finds by clear and convincing evidence one of the following: (1) The parent consents to his or her removal as guardian; or (2) the minor child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility for the **[**minor's**]** minor child's welfare; or (3) the minor child has been denied the care, guidance or control necessary for his or her physical, educational, moral or emotional well-being, as a result of acts of parental commission or omission, whether the acts are the result of the physical or mental incapability of the parent or conditions attributable to parental habits,

misconduct or neglect, and the parental acts or deficiencies support the conclusion that the parent cannot exercise, or should not in the best interests of the minor child be permitted to exercise, parental rights and duties at the time; or (4) the minor child has had physical injury or injuries inflicted upon the minor child by a person responsible for such child's health, welfare or care, or by a person given access to such child by such responsible person, other than by accidental means, or has injuries which are at variance with the history given of them or is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment; or (5) the minor child has been found to be neglected or uncared for, as defined in section 46b-120. If, after removal of a parent as guardian under this section, the minor child has no guardian of his or her person, such a guardian may be appointed under the provisions of section 45a-616. Upon the issuance of an order appointing the Commissioner of Children and Families as guardian of the minor child, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the minor child with his or her parents prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the minor child's best interests, including the minor child's health and safety.

Sec. 33. Section 17a-105 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Whenever any person is arrested and charged with an offense under section 53-20 or 53-21 or under part V, VI or VII of chapter 952, the victim of which offense was a minor residing with the defendant, any judge of the Superior Court may, if it appears that the child's condition or circumstances surrounding **[**his**]** the child's case so require and that continuation in the home is contrary to the child's welfare, issue an order to the Commissioner of Children and Families to assume

immediate custody of such child and, if the circumstances so require, any other children residing with the defendant and to proceed thereon as in cases reported under section 17a-101g. Upon the issuance of such order, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child with his or her parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's best interests, including the child's health and safety.

Sec. 34. Section 17a-113 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

When application has been made for the removal of one or both parents as guardians or of any other guardian of the person of such child, or when an application has been made for the termination of the parental rights of any parties who may have parental rights with regard to any minor child, the superior court in which such proceeding is pending may, if it deems it necessary based on the best interests of the child, order the custody of such child to be given to the Commissioner of Children and Families or some proper person or to the board of managers of any child-caring institution or organization, or any children's home or similar institution licensed or approved by the Commissioner of Children and Families, pending the determination of the matter, and may enforce such order by a warrant directed to a proper officer commanding **[**him**]** the officer to take possession of the child and to deliver such child into the custody of the person, board, home or institution designated by such order; and said court may, if either or both parents are removed as guardians or if any other guardian of the person is removed, or if said parental rights are terminated, enforce its decree, awarding the custody of the child to the person or persons entitled thereto, by a warrant directed to the proper officer commanding **[**him**]** the officer to take possession of the child and to deliver such child into the care and custody of the person

entitled thereto. Such officer shall make returns to such court of **[**his**]** such officer's doings under either warrant. Upon the issuance of such order giving custody of the child to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child with his or her parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's best interests, including the child's health and safety.

Sec. 35. Section 46b-56 of the general statutes, as amended by section 12 of public act 01-186, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In any controversy before the Superior Court as to the custody or care of minor children, and at any time after the return day of any complaint under section 46b-45, the court may at any time make or modify any proper order regarding the education and support of the children and of care, custody and visitation if it has jurisdiction under the provisions of chapter 815o. Subject to the provisions of section 46b-56a, the court may assign the custody of any child to the parents jointly, to either parent or to a third party, according to its best judgment upon the facts of the case and subject to such conditions and limitations as it deems equitable. The court may also make any order granting the right of visitation of any child to a third party, including but not limited to, grandparents.

(b) In making or modifying any order with respect to custody or visitation, the court shall (1) be guided by the best interests of the child, giving consideration to the wishes of the child if the child is of sufficient age and capable of forming an intelligent preference, provided in making the initial order the court may take into consideration the causes for dissolution of the marriage or legal separation if such causes are relevant in a determination of the best

interests of the child, and (2) consider whether the party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b. Upon the issuance of any order assigning custody of the child to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child with his or her parents prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's best interests, including the child's health and safety.

(c) In determining whether a child is in need of support and, if in need, the respective abilities of the parents to provide support, the court shall take into consideration all the factors enumerated in section 46b-84.

(d) When the court is not sitting, any judge of the court may make any order in the cause which the court might make under subsection (a) of this section, including orders of injunction, prior to any action in the cause by the court.

(e) A parent not granted custody of a minor child shall not be denied the right of access to the academic, medical, hospital or other health records of such minor child unless otherwise ordered by the court for good cause shown.

(f) Notwithstanding the provisions of subsection (b) of this section, when a motion for modification of custody or visitation is pending before the court or has been decided by the court and the investigation ordered by the court pursuant to section 46b-6 recommends psychiatric or psychological therapy for a child, and such therapy would, in the court's opinion, be in the best interests of the child and aid the child's response to a modification, the court may order such therapy and reserve judgment on the motion for modification.

(g) As part of a decision concerning custody or visitation, the court may order either parent or both of the parents and any child of such parents to participate in counseling and drug or alcohol screening, provided such participation is in the best interest of the child.

Sec. 36. (*Effective from passage*) Notwithstanding the provisions of subsection (a) of section 20-195dd of the general statutes, during the period commencing on the effective date of this section and ending thirty days after said effective date, an applicant for licensure as a professional counselor under chapter 383c of the general statutes, in lieu of the requirements set forth in said subsection, may submit evidence satisfactory to the Commissioner of Public Health of having: (1) Earned a master's degree in counseling prior to 1986 from a regionally accredited institution of higher education; and (2) practiced professional counseling for a minimum of fifteen years immediately preceding the date of application.

Sec. 37. Section 17a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner may, in **[**his**]** the commissioner's discretion, admit to the department on a voluntary basis any child or youth who, in **[**his**]** the commissioner's opinion, could benefit from any of the services offered or administered by, or under contract with, or otherwise available to, the department. Application for voluntary admission shall be made in writing by the parent or guardian of a child under fourteen years of age or by such person himself or herself if he or she is a child fourteen years of age or older or a youth.

(b) A child or youth voluntarily admitted to the department shall be deemed to be within the care of the commissioner until such admission is terminated. The commissioner shall terminate the admission of any child or youth voluntarily admitted to the department within ten days after receipt of a written request for termination from a parent or guardian of any child under fourteen years of age or from a child if such child is fourteen years of age or **[**over**]** older, or youth, unless

prior to the expiration of that time the commissioner has sought and received from the Superior Court an order of temporary custody as provided by law. The commissioner may terminate the admission of any child or youth voluntarily admitted to the department after giving reasonable notice in writing to the parent or guardian of any child under fourteen years of age and to a child **[**over**]** fourteen years of age or older, and to any youth. Any child or youth admitted voluntarily to the department may be placed in, or transferred to, any resource, facility or institution within the department or available to the commissioner except the Connecticut Juvenile Training School, provided the commissioner shall give written notice to such child or youth and to the parent or guardian of the child of **[**his**]** the commissioner's intention to make a transfer at least ten days prior to any actual transfer, unless written notice is waived by those entitled to receive it, or unless an emergency commitment of such child or youth is made pursuant to section 17a-502.

(c) Not more than one hundred twenty days after admitting a child or youth on a voluntary basis, the department shall petition the probate court for the district in which a parent or guardian of the child or youth resides for a determination as to whether continuation in care is in the child's or youth's best interest and, if so, whether there is an appropriate **[**case service**]** permanency plan. Upon receipt of such application, the court shall set a time and place for hearing to be held within thirty days of receipt of the application, unless continued by the court for cause shown. The court shall order notice of the hearing to be given by regular mail at least five days prior to the hearing to the Commissioner of Children and Families, and by certified mail, return receipt requested, at least five days prior to the hearing to the parents or guardian of the child and the minor, if over twelve years of age. If the whereabouts of the parent or guardian are unknown, or if delivery cannot reasonably be effected, then notice shall be ordered to be given by publication. In making its determination, the court shall consider the items specified in subsection (d) of this section. The court shall possess continuing jurisdiction in proceedings under this section. **[**and

shall conduct a further dispositional hearing whenever it deems necessary or desirable, but at least every twelve months.**]**

[(d) Not more than twelve months after a child or youth is admitted to the department on a voluntary basis, the commissioner shall file a motion in the probate court requesting a dispositional hearing on the status of the child or youth. Upon receipt of such motion, the court shall set a time and place for hearing to be held within thirty days of receipt of the motion, unless continued by the court for cause shown. The court shall order notice of the hearing to be given in accordance with subsection (c) of this section. At the dispositional hearing, all parties shall be heard and oral or written reports, containing recommendations as to the best interests of the child or youth may be presented. In determining its order of disposition, the court shall consider among other things: (1) The appropriateness of the department's plan for service to the child or youth and his family; (2) the treatment and support services that have been offered and provided to the child or youth to strengthen and reunite the family; (3) if return home is not likely for the child or youth, the efforts that have been made or should be made to evaluate and plan for other modes of care; and (4) any further efforts which have been or will be made to promote the best interests of the child or youth. At the conclusion of the hearing, the court shall, in accordance with the best interests of the child or youth, enter an appropriate order of disposition. The order may: (A) Direct that the services being provided, or the placement of the child or youth and reunification efforts, be continued if the court, after hearing, determines that continuation of the child or youth in services or placement is in the child or youth's best interests or (B) direct that the child or youth's services or placement be modified to reflect the child or youth's best interest.**]**

(d) (1) Ten months after admitting a child or youth on a voluntary basis and annually thereafter if the child or youth remains in the custody of the commissioner, the commissioner shall file a motion for review of a permanency plan. A hearing on such motion shall be held

not later than thirty days after the filing of such motion. The court shall provide notice to the child or youth and such child's or youth's parent or guardian of the time and place of the hearing on such motion not less than ten days prior to the date of such hearing.

(2) At a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. The health and safety of the child or youth shall be of paramount concern in formulating such plan. At such hearing, the court shall consider among other things: (A) The appropriateness of the department's plan for service to the child or youth and his or her family; (B) the treatment and support services that have been offered and provided to the child or youth to strengthen and reunite the family; (C) if return home is not likely for the child or youth, the efforts that have been made or should be made to evaluate and plan for other modes of care; and (D) any further efforts which have been or will be made to promote the best interests of the child or youth.

(3) The permanency plan pursuant to subdivision (2) of this subsection may include the goal of (A) placement of the child or youth with the parent or guardian, (B) transfer of guardianship, (C) long-term foster care with a relative licensed as a foster parent or certified as a relative caregiver, (D) termination of parental rights and adoption, or (E) such other planned permanent living arrangement ordered by the court provided the commissioner has documented a compelling reason why it would not be in the best interest of the child or youth for the permanency plan to include the goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such other planned permanent living arrangement may include, but not be limited to, placement of a child or youth in an independent living program or long-term foster care with an identified foster parent.

(4) At a permanency hearing, the court shall review the status of the

child, the progress being made to implement the permanency plan, determine a timetable for attaining the permanency prescribed by the plan and determine whether the commissioner has made reasonable efforts to achieve the permanency plan. At the conclusion of the hearing, the court may: (A) Direct that the services being provided, or the placement of the child or youth and reunification efforts, be continued if the court, after hearing, determines that continuation of the child or youth in services or placement is in the child or youth's best interests, or (B) direct that the child or youth's services or placement be modified to reflect the child or youth's best interest.

(e) The commissioner shall adopt regulations in accordance with chapter 54 describing the documentation required for voluntary admission and for informal administrative case review, upon request, of any denial of an application for voluntary admission.

(f) Any person aggrieved by a decision of the commissioner denying voluntary services may appeal such decision through an administrative hearing held pursuant to chapter 54.

(g) Notwithstanding any provision of sections 17a-1 to 17a-26, inclusive, and 17a-28 to 17a-49, inclusive, to the contrary, any person already under the care and supervision of the Commissioner of Children and Families who has passed **[**his**]** such person's eighteenth birthday but has not yet reached **[**his**]** such person's twenty-first birthday, may be permitted to remain voluntarily under the supervision of the commissioner, provided said commissioner, in **[**his**]** said commissioner's discretion, determines that such person would benefit from further care and support from the Department of Children and Families.

(h) Upon motion of any interested party in a Probate Court proceeding under this section, the probate court of record may transfer the file for cause shown to a probate court for a district other than the district in which the initial or dispositional hearing was held. The file shall be transferred by the Probate Court of record making copies of all

recorded documents in the court file, certifying each of them, and delivering the certified copies to the probate court to which the matter is transferred.

Sec. 38. (NEW) (*Effective October 1, 2002*) (a) For the purposes of this section:

(1) "Issuing agency" means an agency providing child support enforcement services, as defined in subsection (b) of section 46b-231 of the general statutes, and includes the Bureau of Child Support Enforcement within the Department of Social Services and Support Enforcement Services within Judicial Branch Court Operations; and

(2) "NMSN" means the National Medical Support Notice required under Title IV-D of the Social Security Act and the Employee Retirement Income Security Act used by state child support agencies to enforce health care coverage support provisions in child support orders.

(b) (1) Whenever a court or family support magistrate enters a support order in a Title IV-D support case, as defined in subsection (b) of section 46b-231 of the general statutes, that requires a noncustodial parent to provide employment based health care coverage for a child, and the noncustodial parent's employer is known to the issuing agency, such agency shall enforce the health care coverage provisions of the order through the use of a NMSN.

(2) In addition to other notice and requirements contained therein, the NMSN shall serve as notice to the employer that: (A) The employee is obligated to provide employment based health care coverage for the child; (B) the employer may be required to withhold any employee contributions required by the group health plan or plans in which the child is eligible to be enrolled; and (C) the employer is required to forward the NMSN to the administrator of each group health plan providing such coverage for enrollment determination purposes.

(3) In addition to other notice requirements contained therein, the NMSN shall serve as notice to the group health plan that: (A) Receipt of the NMSN from an employer constitutes receipt of a medical support order; and (B) an appropriately completed NMSN constitutes a qualified medical child support order for health care coverage enrollment purposes.

(4) In any case in which the noncustodial parent is a newly hired employee, the NMSN shall be transferred by the issuing agency to the employer no later than two business days after the date of the entry of the employee in the State Directory of New Hires established under section 31-254 of the general statutes, together with any necessary income withholding notice.

(c) (1) An employer who receives a NMSN from the issuing agency shall: (A) No later than twenty business days, after the date of NMSN, either (i) return the notice to such agency indicating why the health care coverage is not available, or (ii) transfer the notice to the administrator of each appropriate group health plan for which the child may be eligible; (B) upon notification from any such group health plan that the child is eligible for enrollment, withhold from the employee's income any employee contribution required under such plan and send the withheld payments directly to the plan, except as provided in subsection (d) of this section; and (C) notify the issuing agency whenever the employee's employment terminates. (2) Any employer who discharges an employee from employment, refuses to employ, or takes disciplinary action against an employee because of a medical child support withholding, or fails to withhold income or transmit withheld income to the group health plan as required by the NMSN shall be subject to the penalties related to employer processing of child support income withholding, as provided in subsections (f) and (j) of section 52-362 of the general statutes, as amended. (3) The issuing agency shall notify the employer promptly when there is no longer a current order for medical support.

(d) The NMSN shall inform the employer of the duration of the withholding requirement, of any limitations on withholding prescribed by federal or state law, and of any withholding priorities that apply when available income is insufficient to satisfy all cash and medical support obligations. The employer shall notify the issuing agency when any such withholding limitations or priorities prevent the employer from withholding the amount required to obtain coverage under the group health plan for which the child is otherwise eligible.

(e) (1) The administrator of a group health plan who receives a NMSN from an employer pursuant to subsection (c) of this section shall deem the NMSN to be a "qualified medical child support order" and an application by the issuing agency for enrollment of the child. Enrollment of the child may not be denied because the child: (A) Was born out of wedlock, (B) is not claimed as a dependent on the participant's federal income tax return, (C) does not reside with the participant or in the plan's service area, or (D) is receiving benefits or is eligible for benefits under a state medical assistance plan required by the Social Security Act. An enrollment shall be made without regard to open season enrollment restrictions, and if enrollment of a child is dependent on the enrollment of a participant who is not enrolled, both the child and the participant shall be enrolled. (2) No later than forty business days after the date of the NMSN the plan administrator shall notify the issuing agency whether coverage is available or, if necessary, of the steps to be taken to begin such coverage. The administrator shall also provide to the custodial parent a description of the coverage available and of any forms or documents necessary to begin coverage. The issuing agency, in consultation with the custodial parent, shall promptly select from any available plan options when necessary. Upon completion of enrollment, the group health plan administrator shall return the NMSN to the employer for a determination of whether any necessary employee contributions are available.

(f) A NMSN issued pursuant to this section shall be deemed part of

the court order requiring employment based health care coverage. The NMSN shall have the same force and effect as a court order directed to an employer or group health plan administrator and may be enforced by the court or family support magistrate in the same manner as an order of the court or family support magistrate. The requirements imposed on employers and group health plan administrators under this section and the NMSN shall be in addition to any requirements imposed on said employer or administrator under other provisions of the general statutes.

Sec. 39. (*Effective from passage*) Notwithstanding the provisions of subsection (a) of section 20-195dd of the general statutes, during the period commencing on the effective date of this section and ending thirty days after said effective date, an applicant for licensure as a professional counselor under chapter 383c of the general statutes, in lieu of the requirements set forth in said subsection, may submit evidence satisfactory to the Commissioner of Public Health of having: (1) Earned a master's degree in education or community leadership; (2) passed the national counselor examination offered by the National Board for Certified Counselors prior to December 31, 2001; and (3) practiced professional counseling for a minimum of ten years within the twelve-year period immediately preceding the date of application.

Sec. 40. Subdivision (2) of subsection (a) of section 17b-745 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(2) (A) The court or family support magistrate shall include in each support order in a IV-D support case a provision for the health care coverage of the child which provision may include an order for either parent to name any child under eighteen as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent on a group basis through an employer or a union. Any such employment based order shall be enforced using a National Medical Support Notice as provided in section 38 of this act.

If such insurance coverage is unavailable at reasonable cost, the provision for health care coverage may include an order for either parent to apply for and maintain coverage on behalf of the child under the HUSKY Plan, Part B. The noncustodial parent shall be ordered to apply for the HUSKY Plan, Part B only if such parent is found to have sufficient ability to pay the appropriate premium. In any IV-D support case in which the noncustodial parent is found to have insufficient ability to provide medical insurance coverage and the custodial party is the HUSKY Plan, Part A or Part B applicant, the provision for health care coverage may include an order for the noncustodial parent to pay such amount as is specified by the court or family support magistrate to the state or the custodial party, as their interests may appear, to offset the cost of any insurance payable under the HUSKY Plan, Part A or Part B. In no event may such order include payment to offset the cost of any such premium if such payment would reduce the amount of current support required under the child support guidelines.

[(B) When a parent is ordered to provide insurance coverage in accordance with subparagraph (A) of this subdivision, the court or family support magistrate shall order the employer of such parent to withhold from such employee's compensation the employee's share, if any, of premiums for health coverage, except for certain circumstances under which an employer may withhold less than such employee's share of such premiums, as may be provided by regulation of the Secretary of the United States Department of Health and Human Services and pay such share of premiums to the insurer. The amount withheld shall not exceed the maximum amount permitted to be withheld as set forth in 15 USC 1673(b).**]**

(B) Whenever an order of the Superior Court or family support magistrate is issued against a parent to cover the cost of such medical or dental insurance or benefit plan for a child who is eligible for Medicaid benefits, and such parent has received payment from a third party for the costs of such services but such parent has not used such payment to reimburse, as appropriate, either the other parent or

guardian or the provider of such services, the Department of Social Services shall have the authority to request the court or family support magistrate to order the employer of such parent to withhold from the wages, salary or other employment income, of such parent to the extent necessary to reimburse the Department of Social Services for expenditures for such costs under the Medicaid program. However, any claims for current or past due child support shall take priority over any such claims for the costs of such services.

Sec. 41. Section 38a-497a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) As used in this section (1) "insurer" shall have the same meaning as "insurer", as defined in 42 USC S 1396g-l(b), as including a group health plan, as defined in 29 USC S 1167(1), an employee welfare benefit plan providing medical care to participants or beneficiaries directly or through insurance reimbursement, or otherwise, a health maintenance organization and an entity offering a service benefit plan, and (2) "NMSN" means a National Medical Support Notice issued in a Title IV-D support case pursuant to section 38 of this act.

(b) If a child has health insurance coverage through an insurer of a noncustodial parent, such insurer shall: (1) Provide such information to the custodial parent as may be necessary for the child to obtain benefits through such coverage; (2) permit the custodial parent, or the health care provider, with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent; **[**and**]** (3) make payments on claims submitted in accordance with this section directly to the custodial parent, the health care provider or the Department of Social Services; and (4) comply with the terms of any applicable NMSN.

(c) An insurer shall not deny enrollment of a child under the group health plan of the child's parent if: (1) The child was born out of wedlock, provided the father of the child has acknowledged paternity pursuant to section 46b-172, as amended, or has been adjudicated the

father pursuant to section 46b-171; (2) the child is not claimed as a dependent on the federal income tax return of the parent; **[**or**]** (3) the child does not reside with the parent or in the insurer's service area; or (4) if the child is receiving, or is eligible for benefits under a state medical assistance plan required by the Social Security Act.

(d) If a parent is required by a court or family support magistrate to provide health coverage for a child, and the parent is eligible for family health coverage, the insurer shall permit the parent to enroll, or shall enroll pursuant to any applicable NMSN, under the family coverage, a child who is otherwise eligible for such coverage without regard to any open enrollment restrictions. If enrollment of a child is dependent on the enrollment of a participant who is not enrolled, both the child and the participant shall be enrolled. If the parent is enrolled for coverage but fails to make application to obtain coverage for a child, the insurer shall enroll such child under family coverage upon application of such child's other parent, the state agency administering the Medicaid program or the state agency administering Title IV-D of the Social Security Act, or upon receipt of a NMSN, as provided in section 38 of this act. The insurer shall not disenroll or eliminate coverage of such child unless the insurer is provided with satisfactory written evidence that the court or administrative order is no longer in effect or the child is enrolled or shall be enrolled in comparable health coverage through another insurer which shall take effect no later than the effective date of such disenrollment, or the employer eliminates family health coverage for all its employees.

(e) If a parent is required by a court or an administrative order to provide health coverage for a child and the parent is eligible for family health coverage through an employer doing business in the state, such employer shall permit such parent to enroll such child under such coverage without regard to any open enrollment restrictions. If a parent is enrolled but fails to make application to obtain coverage of a child, the employer shall enroll such child under health care coverage upon application by the child's other parent or by the Commissioner of

Social Services, or his designee, when such child is eligible under the Medicaid program or is receiving child support enforcement services pursuant to Title IV-D of the Social Security Act. A NMSN shall constitute an application for health care coverage by the issuing agency. If a noncustodial parent in a IV-D case provides such coverage and changes employment, and the new employer provides health care coverage, the IV-D agency or an agency under cooperative agreement therewith shall transfer notice of the provision for health care coverage to such new employer, as provided in section 38 of this act. The notice shall operate to enroll the child in the noncustodial parent's health care plan if that portion of the obligor's income which is subject to withholding pursuant to subsection (e) of section 52-362, as amended, is sufficient to cover both the support order and health care coverage. At the time notice is transferred to the employer, the IV-D agency, or an agency under cooperative agreement therewith, shall also cause a copy of the notice of such transfer of health care coverage to be delivered to the obligor and to the custodial parent. The noncustodial parent may contest such notice by filing a motion for modification with the family support magistrate. An employer, subject to the provisions of this section, shall not disenroll or eliminate coverage of any such child unless the employer is provided satisfactory written evidence that: (1) A court or an administrative order for health care coverage is no longer in effect; (2) the child is or shall be enrolled in comparable health care coverage which shall take effect not later than the effective date of such disenrollment or elimination; or (3) the employer has eliminated family health care coverage for all of its employees.

Sec. 42. Subsection (f) of section 46b-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(f) After the granting of a decree annulling or dissolving the marriage or ordering a legal separation, and upon complaint or motion with order and summons made to the Superior Court by either parent or by the Commissioner of Administrative Services in any case arising

under subsection (a) or (b) of this section, the court shall inquire into the child's need of maintenance and the respective abilities of the parents to supply maintenance. The court shall make and enforce the decree for the maintenance of the child as it considers just, and may direct security to be given therefor, including an order to either party to contract with a third party for periodic payments or payments contingent on a life to the other party. The court shall include in each support order a provision for the health care coverage of the child which provision may include an order for either parent to name any child who is subject to the provisions of subsection (a) or (b) of this section as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent on a group basis through an employer or a union. Any such employment based order in a IV-D support case shall be enforced using a National Medical Support Notice as provided in section 38 of this act. If such insurance coverage is unavailable at reasonable cost, the provision for health care coverage may include an order for either parent to apply for and maintain coverage on behalf of the child under the HUSKY Plan, Part B. The noncustodial parent shall be ordered to apply for the HUSKY Plan, Part B only if such parent is found to have sufficient ability to pay the appropriate premium. In any IV-D support case in which the noncustodial parent is found to have insufficient ability to provide medical insurance coverage and the custodial party is the HUSKY Plan, Part A or Part B applicant, the provision for health care coverage may include an order for the noncustodial parent to pay such amount as is specified by the court or family support magistrate to the state or the custodial party, as their interests may appear, to offset the cost of any insurance payable under the HUSKY Plan, Part A or Part B. In no event may such order include payment to offset the cost of any such premium if such payment would reduce the amount of current support required under the child support guidelines.

Sec. 43. Subdivision (2) of subsection (a) of section 46b-171 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(2) In addition, the court or family support magistrate shall include in each support order in a IV-D support case a provision for the health care coverage of the child which provision may include an order for either parent to name any child under the age of eighteen years as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent on a group basis through an employer or union. Any such employment based order shall be enforced using a National Medical Support Notice as provided in section 38 of this act. If such insurance coverage is unavailable at reasonable cost, the provision for health care coverage may include an order for either parent to apply for and maintain coverage on behalf of the child under the HUSKY Plan, Part B. The noncustodial parent shall be ordered to apply for the HUSKY Plan, Part B only if such parent is found to have sufficient ability to pay the appropriate premium. In any IV-D support case in which the noncustodial parent is found to have insufficient ability to provide medical insurance coverage and the custodial party is the HUSKY Plan, Part A or Part B applicant, the provision for health care coverage may include an order for the noncustodial parent to pay such amount as is specified by the court or family support magistrate to the state or the custodial party, as their interests may appear, to offset the cost of any insurance payable under the HUSKY Plan, Part A or Part B. In no event may such order include payment to offset the cost of any such premium if such payment would reduce the amount of current support required under the child support guidelines.

Sec. 44. Subdivision (2) of subsection (a) of section 46b-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(2) Any such support order in a IV-D support case shall include a provision for the health care coverage of the child which provision may include an order for either parent to name any child under eighteen as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent on a group

basis through an employer or a union. Any such employment based order shall be enforced using a National Medical Support Notice as provided in section 38 of this act. If such insurance coverage is unavailable at reasonable cost, the provision for health care coverage may include an order for either parent to apply for and maintain coverage on behalf of the child under the HUSKY Plan, Part B. The noncustodial parent shall be ordered to apply for the HUSKY Plan, Part B only if such parent is found to have sufficient ability to pay the appropriate premium. In any IV-D support case in which the noncustodial parent is found to have insufficient ability to provide medical insurance coverage and the custodial party is the HUSKY Plan, Part A or Part B applicant, the provision for health care coverage may include an order for the noncustodial parent to pay such amount as is specified by the court or family support magistrate to the state or the custodial party, as their interests may appear, to offset the cost of any insurance payable under the HUSKY Plan, Part A or Part B. In no event may such order include payment to offset the cost of any such premium if such payment would reduce the amount of current support required under the child support guidelines.

Sec. 45. (*Effective from passage*) Notwithstanding the provisions of subsection (a) of section 20-195dd of the general statutes, during the period commencing on the effective date of this section and ending thirty days after said effective date, an applicant for licensure as a professional counselor under chapter 383c of the general statutes, in lieu of the requirements set forth in said subsection, may submit evidence satisfactory to the Commissioner of Public Health of having: (1) Earned a master's degree in education with a major in psychological counseling prior to 1975 from a regionally accredited institution of higher education; (2) passed the examination offered by the National Association of Certified Mental Health Counselors; (3) current certification with the National Association for Certified Mental Health Counselors; and (4) practiced professional counseling for a minimum of ten years within the twenty-year period immediately preceding the date of application.

Sec. 46. Subsection (a) of section 17b-346 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Effective October 1, 1991, every chronic and convalescent nursing home, except those restricted to use by patients with acquired immune deficiency syndrome, chronic disease hospital associated with a chronic and convalescent nursing home, and rest home with nursing supervision, that participates in the medical assistance program provided in Title XIX of the Social Security Act shall, as a condition of participation in said program, if eligible, maintain or execute a provider agreement with the Secretary of Health and Human Services to participate in the Medicare program under Title XVIII of the Social Security Act to the same extent that the facility participates in the Title XIX medical assistance program. **[**However, such facility may seek the approval of the Department of Social Services to have a larger portion of its facility certified for the Title XIX medical assistance program than for the Title XVIII Medicare program if the facility is certified for a distinct part pursuant to the Title XVIII Medicare program and the facility demonstrates to the satisfaction of the department that the number of beds in the distinct part will be adequate to ensure access to Title XVIII Medicare certified beds to all eligible Title XVIII recipients who might reasonably be expected to seek admission to, or return to, such facility.**]**

Sec. 47. Subdivision (9) of section 19a-177 of the general statutes, as amended by section 51 of public act 01-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(9) (A) Establish rates for the conveyance of patients by licensed ambulance services and invalid coaches and establish emergency service rates for certified ambulance services, provided (i) the present rates established for such services and vehicles shall remain in effect until such time as the commissioner establishes a new rate schedule as

provided in this subdivision, and (ii) any rate increase not in excess of the **[**National Health Care Inflation Rate Index**]** Medical Care Services Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the prior year, filed in accordance with subparagraph (B)(iii) of this subdivision shall be deemed approved by the commissioner; **[**and**]** (B) adopt regulations, in accordance with the provisions of chapter 54, establishing methods for setting rates and conditions for charging such rates. Such regulations shall include, but not be limited to, provisions requiring that on and after July 1, 2000: (i) Requests for rate increases may be filed no more frequently than once a year; (ii) only licensed ambulance services and certified ambulance services that apply for a rate increase in excess of the **[**National Health Care Inflation Index**]** Medical Care Services Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the prior year, and do not accept the maximum allowable rates contained in any voluntary state-wide rate schedule established by the commissioner for the rate application year shall be required to file detailed financial information with the commissioner, provided any hearing that the commissioner may hold concerning such application shall be conducted as a contested case in accordance with chapter 54; (iii) licensed ambulance services and certified ambulance services that do not apply for a rate increase in any year in excess of the **[**National Health Care Inflation Index**]** Medical Care Services Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the prior year, or that accept the maximum allowable rates contained in any voluntary state-wide rate schedule established by the commissioner for the rate application year shall, not later than July fifteenth of such year, file with the commissioner either an audited financial statement or an accountant's review report pertaining to the most recently completed fiscal year of the licensed ambulance service or certified ambulance service, including total revenue and total expenses, a statement of emergency and nonemergency call volume, and, in the case of a licensed ambulance service or certified ambulance

service that is not applying for a rate increase, a written declaration by such licensed ambulance service or certified ambulance service that no change in its currently approved maximum allowable rates will occur for the rate application year; and (iv) detailed financial and operational information filed by licensed ambulance services and certified ambulance services to support a request for a rate increase in excess of the **[**National Health Care Inflation Index**]** Medical Care Services Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the prior year, shall cover the time period pertaining to the most recently completed fiscal year and the rate application year of the licensed ambulance service or certified ambulance service; and (C) establish rates for licensed ambulance services and certified ambulance services for the following services and conditions: (i) "Advanced Life Support assessment" and "Specialty Care Transports", which terms shall have the meaning provided in 42 CFR 414.605; and (ii) intra-municipality mileage, which means mileage for an ambulance transport when the point of origin and final destination for a transport is within the boundaries of the same municipality. The rates established by the commissioner for each such service or condition shall be equal to (I) the ambulance service's base rate plus its established Advanced Life Support/Paramedic surcharge when Advanced Life Support assessment services are performed; (II) two hundred twenty-five per cent of the ambulance service's established base rate for Specialty Care Transports; and (III) "loaded mileage", as the term is defined in 42 CFR 414.605, multiplied by the ambulance service's established rate for intra-municipality mileage. Such rates shall remain in effect until such time as the commissioner establishes a new rate schedule as provided in this subdivision.

Sec. 48. Section 8 of public act 01-2 of the June special session is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Social Services **[**shall seek a waiver from

federal law to provide coverage**]** may authorize payment for used durable medical equipment to a vendor or supplier of durable medical equipment enrolled as a medical equipment, devices and supplies provider under the Medicaid program.

Sec. 49. Section 17b-256 of the general statutes, as amended by section 9 of public act 01-4 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Social Services may administer, within available appropriations, a program providing payment for the cost of drugs prescribed by a physician for the prevention or treatment of acquired immunodeficiency syndrome (AIDS) or human immunodeficiency virus (HIV infection). The commissioner shall determine specific drugs to be covered and may implement a pharmacy lock-in procedure for the program. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this section. The commissioner may implement the program while in the process of adopting regulations, provided notice of intent to adopt the regulations is published in the Connecticut Law Journal within twenty days of implementation. The regulations may include eligibility for all persons with AIDS or HIV infection whose income is below four hundred per cent of the federal poverty level. The commissioner **[**may**]** shall, within available **[**appropriations**]** federal resources, purchase and maintain insurance policies for eligible clients, including, but not limited to, coverage of costs associated with such policies, that provide a full range of HIV treatments and access to comprehensive primary care services as determined by the commissioner and as provided by federal law, and may provide payment, determined by the commissioner, for (1) drugs and nutritional supplements prescribed by a physician that prevent or treat opportunistic diseases and conditions associated with AIDS or HIV infection; (2) ancillary supplies related to the administration of such drugs; and (3) laboratory tests ordered by a physician.

Sec. 50. Section 17b-274 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(a) The Commissioner of Social Services shall pay a pharmacist a professional dispensing fee of fifty cents per prescription, in addition to any other dispensing fee, for substituting a generically equivalent drug product, in accordance with section 20-619, for the drug prescribed by the licensed practitioner for a Medicaid recipient, provided the substitution is not required by federal law or regulation.**]**

[(b)**]** (a) The Division of Criminal Justice shall periodically investigate pharmacies to ensure that the state is not billed for a brand name drug product when a less expensive generic substitute drug product is dispensed to a Medicaid recipient. The Commissioner of Social Services shall cooperate and provide information as requested by such division.

[(c)**]** (b) A licensed medical practitioner may specify in writing or by a telephonic or electronic communication that there shall be no substitution for the specified brand name drug product in any prescription for a Medicaid, state-administered general assistance, general assistance or ConnPACE recipient, provided (1) the practitioner specifies the basis on which the brand name drug product and dosage form is medically necessary in comparison to a chemically equivalent generic drug product substitution, and (2) the phrase "brand medically necessary" shall be in the practitioner's handwriting on the prescription form or, if the prohibition was communicated by telephonic communication, in the pharmacist's handwriting on such form, and shall not be preprinted or stamped or initialed on such form. If the practitioner specifies by telephonic communication that there shall be no substitution for the specified brand name drug product in any prescription for a Medicaid, state-administered general assistance, general assistance or ConnPACE recipient, written certification in the practitioner's handwriting bearing the phrase "brand medically necessary" shall be sent to the dispensing pharmacy within ten days. A

pharmacist shall dispense a generically equivalent drug product for any drug listed in accordance with the Code of Federal Regulations Title 42 Part 447.332 for a drug prescribed for a Medicaid, state-administered general assistance, general assistance or ConnPACE recipient unless the phrase "brand medically necessary" is ordered in accordance with this subsection and such pharmacist has received approval to dispense the brand name drug product in accordance with subsection **[**(d)**]** (c) of this section.

[(d)**]** (c) The Commissioner of Social Services shall **[**establish**]** implement a procedure by which a pharmacist shall obtain approval from an independent pharmacy consultant acting on behalf of the Department of Social Services, under an administrative services only contract, whenever the pharmacist dispenses a brand name drug product to a Medicaid, state-administered general assistance, general assistance or ConnPACE recipient and a chemically equivalent generic drug product substitution is available, provided such procedure shall not require approval for other than initial prescriptions for such drug product. If such approval is not granted or denied within two hours of receipt by the commissioner of the request for approval, it shall be deemed granted. Notwithstanding any provision of this section, a pharmacist shall not dispense any initial maintenance drug prescription for which there is a chemically equivalent generic substitution that is for less than fifteen days without the department's granting of prior authorization, provided prior authorization shall not otherwise be required for atypical antipsychotic drugs if the individual is currently taking such drug at the time the pharmacist receives the prescription. The pharmacist may appeal a denial of reimbursement to the department based on the failure of such pharmacist to substitute a generic drug product in accordance with this section.

[(e)**]** (d) A licensed medical practitioner shall disclose to the Department of Social Services or such consultant, upon request, the basis on which the brand name drug product and dosage form is medically necessary in comparison to a chemically equivalent generic

drug product substitution. The Commissioner of Social Services shall establish a procedure by which such a practitioner may appeal a determination that a chemically equivalent generic drug product substitution is required for a Medicaid, state-administered general assistance, general assistance or ConnPACE recipient.

Sec. 51. (NEW) (*Effective from passage*) The Office of Policy and Management, within existing budgetary resources and in consultation with the Select Committee on Aging, the Commission on Aging and the Long-Term Care Advisory Council, shall develop a single consumer-oriented Internet website that provides comprehensive information on long-term care options that are available in Connecticut. The website shall also include direct links and referral information regarding long-term care resources, including private and nonprofit organizations offering advice, counseling and legal services.

Sec. 52. Subsection (h) of section 121 of public act 02-1 of the May 9 special session is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) The committee shall ensure that the pharmaceutical manufacturers agreeing to provide a supplemental rebate pursuant to 42 USC 1396r-8(c) have an opportunity to present evidence supporting inclusion of a product on the preferred drug list <u>unless a court of competent jurisdiction, in a final decision, determines that the Secretary of Health and Human Services does not have authority to allow such supplemental rebates; provided the inability to utilize supplemental rebates pursuant to this subsection shall not impair the committee's authority to maintain a preferred drug list</u>. Upon timely notice, the department shall ensure that any drug that has been approved or had any of its particular uses approved by the United States Food and Drug Administration under a priority review classification, will be reviewed by the Medicaid Pharmaceutical and Therapeutics Committee at the next regularly scheduled meeting. To the extent feasible, upon notice by a pharmaceutical manufacturer, the

department shall also schedule a product review for any new product at the next regularly scheduled meeting of the Medicaid Pharmaceutical and Therapeutics Committee.

Sec. 53. Section 118 of public act 02-1 of the May 9 special session is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Social Services may establish maximum allowable costs to be paid under the Medicaid, state-administered general assistance, general assistance, ConnPACE and Connecticut AIDS drug assistance programs for generic prescription drugs based on, but not limited to, actual acquisition costs. The department shall implement and maintain a procedure to review and update the maximum allowable cost list at least annually, and shall report annually to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies on its activities pursuant to this section.

Sec. 54. (NEW) (*Effective from passage*) Effective April 1, 2003, the Commissioner of Social Services shall, within available Medicaid appropriations, grant a rate increase to physicians who provide services to clients who are eligible under both Medicaid and Medicare.

Sec. 55. (NEW) (*Effective from passage*) Notwithstanding the provisions of section 17b-106 of the general statutes, the personal needs allowance component of the adult standard shall be permanently increased by one-half of the percentage increase in the January, 2003, annual cost-of-living increase, if any, in the federal Supplemental Security Income program.

Sec. 56. Section 123 of public act 02-1 of the May 9 special session is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Social Services may implement a

pharmaceutical purchasing initiative by contracting with an established entity for the purchase of drugs through the lowest pricing available notwithstanding the provisions of section 17b-280 of the general statutes, as amended, for Medicaid, state-administered general assistance, general assistance, ConnPACE and Connecticut AIDS drug assistance recipients. Any entity with whom the commissioner contracts for the purposes of this section shall have an established pharmaceutical network and a demonstrated capability of processing the prescription volume anticipated for Medicaid, state-administered general assistance, general assistance, ConnPACE and Connecticut AIDS drug assistance recipients. The department shall report annually on the status of the pharmaceutical purchasing initiative to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies.

Sec. 57. Subsection (a) of section 17b-239 of the general statutes, as amended by sections 11 and 66 of public act 01-2 of the June special session, and sections 121 and 129 of public act 01-9 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The rate to be paid by the state to hospitals receiving appropriations granted by the General Assembly and to freestanding chronic disease hospitals, providing services to persons aided or cared for by the state for routine services furnished to state patients, shall be based upon reasonable cost to such hospital, or the charge to the general public for ward services or the lowest charge for semiprivate services if the hospital has no ward facilities, imposed by such hospital, whichever is lowest, except to the extent, if any, that the commissioner determines that a greater amount is appropriate in the case of hospitals serving a disproportionate share of indigent patients. Such rate shall be promulgated annually by the Commissioner of Social Services. Nothing contained herein shall authorize a payment by the state for such services to any such hospital in excess of the charges made by such hospital for comparable services to the general public.

Notwithstanding the provisions of this section, for the rate period beginning July 1, 2000, rates paid to freestanding chronic disease hospitals and freestanding psychiatric hospitals shall be increased by three per cent. For the rate period beginning July 1, 2001, a freestanding chronic disease hospital or freestanding psychiatric hospital shall receive a rate that is two and one-half per cent more than the rate it received in the prior fiscal year **[**. For the rate period beginning July 1, 2002**]** and such rate shall remain effective until December 31, 2002. Effective January 1, 2003, a freestanding chronic disease hospital or freestanding psychiatric hospital shall receive a rate that is two per cent more than the rate it received in the prior fiscal year. Notwithstanding the provisions of this subsection, for the period commencing July 1, 2001, and ending June 30, 2003, the commissioner may pay an additional total of no more than three hundred thousand dollars annually for services provided to long-term ventilator patients. For purposes of this subsection, "long-term ventilator patient" means any patient at a freestanding chronic disease hospital on a ventilator for a total of sixty days or more in any consecutive twelve-month period.

Sec. 58. (NEW) (*Effective from passage*) (a) The Commissioner of Social Services may, with regard to the provision of behavioral health services provided pursuant to a state plan under Title XIX or Title XXI of the Social Security Act: (1) Contract with an administrative services organization to provide clinical management and other administrative services; and (2) delegate responsibility to the Department of Children and Families for the clinical management portion of an administrative contract pertaining to children under eighteen years of age or individuals who are otherwise receiving behavioral health services from said department.

(b) For purposes of this section, the term "clinical management" describes the process of evaluating and determining the appropriateness of the utilization of behavioral health services, providing assistance to clinicians or beneficiaries to ensure appropriate

use of resources and may include, but is not limited to, authorization, concurrent and retrospective review, discharge review, quality management, provider certification and provider performance enhancement. The Commissioners of Social Services and Children and Families shall jointly develop clinical management policies and procedures. The Department of Social Services may implement policies and procedures necessary to carry out the purposes of this section, including any necessary changes to existing behavioral health policies and procedures concerning utilization management, while in the process of adopting such policies and procedures in regulation form, provided the commissioner publishes notice of intention to adopt the regulations in the Connecticut Law Journal within twenty days of implementing such policies and procedures. Policies and procedures implemented pursuant to this subsection shall be valid until the earlier of (1) the time such regulations are effective, or (2) December 1, 2003.

Sec. 59. (NEW) (*Effective from passage*) (a) The Judicial Branch and each state agency, community-based program, organization or individual that provides behavioral health or substance abuse prevention and treatment programs that are operated, funded or licensed by the Department of Children and Families pursuant to sections 17a-20, 17a-114, as amended, 17a-145, 17a-147, 17a-149, 17a-151, as amended, 17a-152 and 17a-154 of the general statutes shall provide case specific information to the department for purposes directly connected with the administration of Connecticut Community KidCare in such form and manner as the department requests. The provisions of this section shall be subject to the confidentiality requirements as set forth in applicable federal law.

(b) No person shall solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of, any list of the names of, or any information concerning, persons applying for or receiving assistance under the Connecticut Community KidCare program, directly or indirectly derived from the records, papers, files or communications of the state or its subdivisions or

agencies, or acquired in the course of the performance of official duties. The Commissioner of Children and Families shall disclose case specific information to any authorized representative of the Commissioner of Social Services for purposes directly connected with the administration of Connecticut Community KidCare. No such representative shall disclose any information obtained pursuant to this section, except as specified in this section.

Sec. 60. (NEW) (*Effective from passage)* Notwithstanding any provision of the general statutes, on or before June 30, 2003, the Commissioner of Social Services, in consultation with the Secretary of the Office of Policy and Management, may submit an amendment to the Medicaid state plan or implement changes necessary to reduce expenditures for Medicaid nonemergency medical transportation, provided in implementing such efficiencies or reduction of services no category of eligible need shall be eliminated other than the reimbursement for personal vehicle use.

Sec. 61. Section 17b-276 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Social Services shall identify geographic areas of the state where competitive bidding for nonemergency transportation services provided to medical assistance recipients to access covered medical services would result in cost savings to the state. For the identified areas the Commissioner of Social Services, in consultation with the Commissioner of Transportation, the Commissioner of Public Health, and the Secretary of the Office of Policy and Management, shall purchase such nonemergency transportation services through a competitive bidding process. Any transportation providers awarded a contract or subcontract for the direct provision of such services shall meet state licensure or certification requirements and the nonemergency transportation requirements established by the Department of Social Services, and shall provide the most cost effective transportation service, provided

any contractor awarded a contract solely for coordinating such transportation services shall not be required to meet such licensure or certification requirements and provided the first such contracts for the purchase of such services shall not exceed one year. Prior to awarding a contract pursuant to this section, the Commissioner of Social Services shall consider the effect of the contract on the emergency ambulance primary service areas and volunteer ambulance services affected by the contract. The commissioner may limit the geographic areas to be served by a contractor and may limit the amount of services to be performed by a contractor. The commissioner may operate one or more pilot programs prior to state-wide operation of a competitive bidding program for nonemergency transportation services. By enrolling in the Medicaid program or participating in the competitively bid contract for nonemergency transportation services, providers of nonemergency transportation services agree to offer to recipients of medical assistance all types or levels of transportation services for which they are licensed or certified. Effective October 1, 1991, payment for such services shall be made only for services provided to an eligible recipient who is actually transported. A contract entered into pursuant to this section may include services provided by another state agency. Notwithstanding any provision of the general statutes, a contract entered into pursuant to this section shall establish the rates to be paid for the transportation services provided under the contract. A contract entered into pursuant to this section may include services provided by another state agency and shall supercede any conflicting provisions of the regulations of Connecticut state agencies pertaining to medical transportation services.

(b) Notwithstanding any other provision of the general statutes, for purposes of administering medical assistance programs, including, but not limited to, the state administered general assistance program and programs administered pursuant to Title XIX or Title XXI of the Social Security Act, the Department of Social Services shall be the sole state agency that sets emergency and nonemergency medical transportation

fees or fee schedules for any transportation services that are reimbursed by the department for said medical assistance programs.

Sec. 62. Section 20 of public act 01-2 of the June special session is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding any provision of this chapter, the Commissioner of Social Services may **[**implement a mandatory program of primary care case management**]** enter into a contract with a consortium of federally-qualified community health centers to provide medical assistance to beneficiaries eligible under sections 17b-257 and 17b-259, as amended by this act. **[**The Department of Social Services may enter into contracts for medical services and program management to implement the provisions of this section.**]**

Sec. 63. Section 2-88 of the general statutes is repealed and the following is substituted in lieu thereof *(Effective from passage)*:

The commission may apply for and receive assistance from any source, including grants of money and services from national and state bodies and foundations. The commission may procure information, advice, and assistance from any agency, department, legislative committee, or other instrumentality of the state, with the consent of the head thereof. All state agencies, other official state organizations and all persons connected with them shall give the commission all relevant information and reasonable assistance on any matters of research requiring recourse to them or to data within their knowledge or control. The commission may request assistance in the performance of its responsibilities by the Legislative Commissioners' Office, and the legislative commissioners may assign attorneys in their office to provide such assistance. The commission shall have the power to adopt such regulations, in accordance with the provisions of chapter 54, for the conduct of its business as are necessary to carry out the purposes of this chapter.

Sec. 64. (*Effective from passage*) (a) As used in this section, "privileged claim information" means information (1) concerning an event where a person asserts that the city of Waterbury is liable in whole or in part for any damage or injury arising from such event, whether or not covered by any insurance policy, and includes documents, oral statements and financial or similar information concerning such event, and (2) that is protected from disclosure under the attorney-client privilege, including the common defense doctrine, the work product doctrine or any similar privilege or doctrine recognized under state or federal law.

(b) For purposes of the Waterbury Financial Planning and Assistance Board exercising its powers and fulfilling its obligations under special act 01-1, any disclosure of privileged claim information to said board by the city of Waterbury, its legal counsel or its agents, shall remain protected by the attorney-client privilege from disclosure to any other person.

Sec. 65. *(Effective from passage)* During the fiscal year ending June 30, 2003, each licensee subject to the provisions of subsections (e) and (m) of section 12-575 of the general statutes shall receive a rebate of the amount paid by such licensee during such fiscal year according to the schedule of payments established by the executive director pursuant to subsection (m) of said section 12-575 equal to the amount of the payment received during such fiscal year by the municipality in which such licensee's facility is located for local aid adjustment. The amount of any such rebate shall be deducted from the payment made under subsection (m) of said section 12-575.

Sec. 66. (*Effective from passage*) The Brookfield Water Company, a corporation incorporated under the laws of the state of Connecticut on February 2, 1998, shall continue to exist as a corporation with all the rights, powers and duties set forth in its certificate of incorporation and any amendment thereto, and said corporation shall further have and exercise all powers and privileges granted herein, together with

such other powers, privileges and duties as may be granted to water companies by the general statutes for the purpose of supplying the town of Brookfield and the inhabitants thereof with an abundant supply of water for public, domestic and other use.

Sec. 67. (*Effective from passage*) The Brookfield Water Company shall, in addition to the powers and privileges referred to in section 66 of this act, be further empowered and authorized, as may be necessary or convenient for conducting water to and distributing water within the town of Brookfield: (1) To open public streets, ways and grounds for purposes of installing, maintaining, repairing and replacing its mains, pipes and conduits and other works useful for public water supply, provided said corporation shall have such streets, ways and grounds in all respects in as good condition as before the installation, maintenance, repair or replacement of such mains, pipes, conduits and other works; (2) to install, maintain, operate, repair and replace its mains, pipes and conduits and other works through, over and under public streets, ways and grounds in said town of Brookfield or the immediate vicinity of the town of Brookfield; (3) to construct, repair and maintain such reservoir or reservoirs or other source or sources of water supply and structures and facilities appurtenant thereto; (4) to construct, repair and maintain any canals or aqueducts and other works as may be useful for public water supply; (5) to install fire hydrants; and (6) to remove existing nuisances and prohibit the erection of other nuisances upon such streams as may be used by the corporation for water supply purposes, provided nothing in this act shall authorize said corporation to take the property or vested rights of any other person without just compensation therefor.

Sec. 68. (*Effective from passage*) The Brookfield Water Company may take, hold and use such lands, springs, streams or ponds or such rights and interests therein as may be expedient or necessary for the purposes of providing a public water supply to the town of Brookfield and its inhabitants in accordance with this act, preserving the purity of such water and preventing any contamination thereof, provided, in all

such cases where the law shall require that compensation be paid to any person whose rights, interests or property have been or will be injuriously affected by such taking, said corporation may apply to the Superior Court and such court, after such notice as said court shall deem sufficient, shall appoint a committee of three disinterested persons who shall, after reasonable notice to the parties, determine and award the amount to be paid by said corporation on account of such taking, which determination and award shall be returned to the clerk of the Superior Court, who shall, upon approval by the court, record the same. The court's approval of an award shall constitute a final judgment.

Sec. 69. (*Effective from passage*) The town of Brookfield or any school district or fire district within said town may contract with said corporation for a supply of water for use or protection of any property within its limits and for other purposes and may assess and collect a tax for such amounts as may be required to meet liabilities under such contract or contracts.

Sec. 70. (*Effective from passage*) Where the Brookfield Water Company is not able to provide a source of water supply to a customer, such customer shall be permitted to construct a well on property owned by such customer to provide water for use on such property, without any obligation for payment to the Brookfield Water Company. Such well shall not be considered a source of water supply for the Brookfield Water Company.

Sec. 71. (*Effective from passage*) Sections 66 to 69 inclusive, of this act shall be valid and effective as an amendment to the Certificate of Incorporation of the Brookfield Water Company if, not later than one year after the effective date of this act, it is accepted at a meeting of the stockholders of said corporation duly noticed for such purpose and only upon the filing after such meeting of a certificate of amendment in the office of the Secretary of the State.

Sec. 72. Subsection (a) of section 30 of public act 02-1 of the May 9

special session is repealed and the following is substituted in lieu thereof (*Effective July 1, 2002*):

(a) The unexpended balance of funds appropriated to the Office of Workforce Competitiveness in section 1 of special act 01-1 of the June special session, as amended by section 1 of special act 01-1 of the November 15 special session, for Jobs Funnel, **[**in excess of $700,000,**]** shall not lapse on June 30, 2002, and such funds shall continue to be available for expenditure for such purpose during the fiscal year ending June 30, 2003.

Sec. 73. (NEW) (*Effective from passage*) (a) For the purposes of this section, "electric personal assistive mobility device" means a self-balancing device unsuitable for operation on public highways having two nontandem wheels and designed to transport one person with an electric propulsion system equipped with a device that limits the maximum speed of such device to not more than fifteen miles per hour.

(b) Each electric personal assistive mobility device shall be equipped with front, rear and side reflectors and a system that, when employed, will enable the operator to bring the device to a controlled stop. If such device is operated between one-half hour after sunset and one-half hour before sunrise, it shall display a lamp emitting a white light which, while such device is in motion, illuminates the area in front of the operator and is visible from a distance of three hundred feet in front of and from the sides of such device.

(c) An operator of an electric personal assistive mobility device is not required to obtain an operator's license and such device is not required to be registered as a motor vehicle when such device is operated in accordance with the provisions of this section.

(d) Any person sixteen years of age or older who has disabilities which limit or impair the ability to walk, as defined in 23 CFR Part 1235.2 and who has been issued a placard pursuant to the provisions

of section 14-253a of the general statutes may operate an electric personal assistive mobility device on any sidewalk or on a highway for the purposes of crossing the highway at a crosswalk, when practicable, or at an angle of approximately ninety degrees to the direction of the highway at a location at which there are no obstructions that may prevent an expedient and safe crossing provided such device is completely stopped before entering the traveled portion of the highway and the operator yields the right-of-way to any motor vehicle using such highway. Any such operator shall yield the right-of-way to any pedestrian on a sidewalk or highway.

(e) No person may operate such device on a limited access state highway, as defined in section 13a-1 of the general statutes.

(f) No person may operate an electric personal assistive mobility device at a rate of speed exceeding fifteen miles per hour.

(g) Violation of any provision of this section shall be an infraction.

Sec. 74. Section 14-250a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall operate any motor vehicle upon, nor shall any motor vehicle be left parked, standing or stopped on or across, any public sidewalk except to cross such sidewalk to enter or leave adjacent areas or to perform necessary sidewalk construction, maintenance or snow removal.

(b) The provisions of this section shall not apply to an electric personal assistive mobility device, as defined in section 73 of this act.

(c) Violation of any provision of this section shall be an infraction.

Sec. 75. Section 31-230 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) An individual's benefit year shall commence with the beginning

of the week with respect to which [he] the individual has filed a valid initiating claim and shall continue through the Saturday of the fifty-first week following the week in which it commenced, provided no benefit year shall end until after the end of the third complete calendar quarter, plus the remainder of any uncompleted calendar week [which] that began in such quarter, following the calendar quarter in which it commenced, and provided further, the benefit year of [a claimant] an individual who has filed a combined wage claim, as described in subsection (b) of section 31-255, shall be the benefit year prescribed by the law of the paying state. In no event shall a benefit year be established before the termination of an existing benefit year previously established under the provisions of this chapter. [The] Except as provided in subsection (b) of this section, the base period of a benefit year shall be the first four of the five most recently completed calendar quarters prior to such benefit year, provided such quarters were not previously used to establish a prior valid benefit year and provided further, the base period with respect to a combined wage claim, as described in subsection (b) of section 31-255, shall be the base period of the paying state, except that for any individual who is eligible to receive or is receiving workers' compensation or who is properly absent from work under the terms of [his] the employer's sick leave or disability leave policy, the base period shall be the first four of the five most recently worked quarters prior to such benefit year, provided such quarters were not previously used to establish a prior valid benefit year and provided further, the last most recently worked calendar quarter is no more than twelve calendar quarters prior to the date such individual makes [his] an initiating claim. As used in this section, an initiating claim shall be deemed valid if the [claimant] individual is unemployed and meets the requirements of [subsections] subdivisions (1) and (3) of subsection (a) of section 31-235. The base period of an individual's benefit year shall include wages paid by any nonprofit organization electing reimbursement in lieu of contributions, or by the state and by any town, city or other political or governmental subdivision of or in this state or of any municipality to such person

with respect to whom such employer is subject to the provisions of this chapter. With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For purposes of this section, the term "previously uncovered services" means services **[**(A) which**]** that (1) were not employment, as defined in section 31-222, as amended, and were not services covered pursuant to section 31-223, at any time during the one-year period ending December 31, 1975; and **[**(B) which (i)**]** (2) (A) are agricultural labor, as defined in **[**section 31-222(a)(1)(H)**]** subparagraph (H) of subdivision (1) of subsection (a) of section 31-222, or domestic service, as defined in **[**section 31-222(a)(1)(J)**]** subparagraph (J) of subdivision (1) of subsection (a) of section 31-222, or **[**(ii)**]** (B) are services performed by an employee of this state or a political subdivision **[**thereof**]** of this state, as provided in **[**section 31-222(a)(1)(C)**]** subparagraph (C) of subdivision (1) of subsection (a) of section 31-222, as amended, or by an employee of a nonprofit educational institution **[**which**]** that is not an institution of higher education, as provided in **[**section 31-222(a)(1)(E)(iii)**]** subparagraph (E)(iii) of subdivision (1) of subsection (a) of section 31-222, as amended, except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services.

(b) For a period from January 1, 2003, to December 31, 2005, or three calendar years from the date of implementation of this section, whichever is later, the base period of a benefit year for any individual who is ineligible to receive benefits using the base period set forth in subsection (a) of this section shall be the four most recently completed calendar quarters prior to the individual's benefit year, provided such quarters were not previously used to establish a prior valid benefit year, except that for any such individual who is eligible to receive or is receiving workers' compensation or who is properly absent from work under the terms of an employer's sick leave or disability leave policy, the base period shall be the four most recently worked calendar quarters prior to such benefit year, provided such quarters were not

previously used to establish a prior valid benefit year and provided further, the last most recently worked calendar quarter is not more than twelve calendar quarters prior to the date such individual makes the initiating claim. If the wage information for an individual's most recently worked calendar quarter is unavailable to the administrator from regular quarterly reports of systematically accessible wage information, the administrator shall promptly contact the individual's employer to obtain such wage information.

(c) On or before July 1, 2003, the administrator shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section, provided the administrator may implement the provisions of this section prior to the adoption of such regulations. Such regulations shall specify the manner and format in which the administrator shall:

(1) Provide written notice to individuals of the potential availability of the alternative base period calculation set forth in subsection (b) of this section; and

(2) Promptly obtain wage information from an employer in order to calculate the alternative base period set forth in subsection (b) of this section.

Sec. 76. (*Effective from passage*) Notwithstanding the provisions of subsection (a) of section 31-261 of the general statutes, $9,000,000 of the amount credited to this state's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended by Section 209 of Public Law 107-147, with respect to federal fiscal year 2002, is deemed to be appropriated to the Labor Department and shall be used for the purpose of paying expenses incurred for the administration of chapter 567 of the general statutes and of public employment offices. Such amount shall be available for expenditure to the extent allowed under Section 903 of the Social Security Act, as amended by Section 209 of Public Law 107-147.

Sec. 77. Subsection (c) of section 16-19hh of the general statutes, as amended by public act 02-141, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, a customer that is (1) an existing or proposed manufacturing plant that will add or create one hundred or more jobs and that will demand at least fifty kilowatts of additional load through the construction or expansion of manufacturing facilities, or (2) an existing manufacturing plant located in a distressed municipality, as defined in section 32-9p, as amended, that is located in an enterprise corridor and employing not less than two hundred persons may be exempted from **[**a portion of the**]** payment of the competitive transition assessment required under section 16-145g. A customer meeting **[**these**]** the requirements of subdivision (1) of this subsection may apply to the department for an exemption from the payment of the competitive transition assessment that relate to the new or incremental load created by such construction or expansion. A customer meeting the requirements of subdivision (2) of this subsection may apply to the department for an exemption from the payment of the competitive transition assessment. The department shall hold a hearing on any such application, and if approved, direct the electric distribution company to refrain from collecting a specific portion of the competitive transition assessment from such customer. The department may adopt regulations pursuant to chapter 54 to implement the provisions of this section.

Sec. 78. Subsection (a) of section 16a-46 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Secretary of the Office of Policy and Management shall be responsible for the development and implementation of a residential energy conservation service program in accordance with the provisions of this section, sections 16a-46a, 16a-46b and 16a-46c and

applicable federal law. Participants in the program shall provide or arrange for low cost energy audits. No participant under subdivision (1) or (3) of section 16a-45a may be required to provide such services outside its authorized service area or area of normal operation. The residential energy conservation service program shall terminate on July 1, **[**2002**]** 2005.

Sec. 79. (NEW) (*Effective from passage*) (a) Notwithstanding section 19a-14 of the general statutes, as amended, or any other provisions of the general statutes relating to continuing education or refresher training, the Department of Public Health shall renew a license, certificate, permit or registration issued to an individual pursuant to chapters 368d, 368v, 370 to 388, inclusive, 393a, 395, 398, 399, 400a and 400c of the general statutes, which becomes void pursuant to section 19a-88 of the general statutes, as amended, or section 2 of public act 01-1 while the holder thereof is on active duty in the armed forces of the United States, within six months from the date of discharge from active duty, upon completion of any continuing education or refresher training required to renew a license, certificate, registration or permit which has not become void pursuant to section 19a-88 of the general statutes, as amended, or section 2 of public act 01-1. A licensee applying for license renewal pursuant to this section shall submit an application on a form prescribed by the department and other such documentation as may be required by the department.

(b) The provisions of this section shall not apply to reservists or National Guard members on active duty for annual training that is a regularly scheduled obligation for reservists or members of the National Guard for training which is not a part of mobilization.

(c) No license shall be issued under this section to any applicant against whom professional disciplinary action is pending or who is the subject of an unresolved complaint.

Sec. 80. Section 3 of special act 01-6 is amended to read as follows (*Effective from passage*):

(a) Notwithstanding any provision of the general statutes, the Commissioner of Environmental Protection shall convey to the Yantic Volunteer Fire Department the parcels of land located at 42, 44 and 46 Franklin Road in the town of Franklin, at a cost equal to the administrative costs of making such conveyance. Said parcels of land have a total area of approximately **[**.58**]** .81 acre. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The Yantic Volunteer Fire Department shall use said parcel of lands for open space and fire training purposes. If the Yantic Volunteer Fire Department:

(1) Does not use any said parcel for said purposes;

(2) Does not retain ownership of all of any said parcel; or

(3) Leases all or any portion of any said parcel,

the parcel shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcels of land not later than thirty days after it receives a proposed agreement from the Department of Environmental Protection. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Environmental Protection shall have the sole responsibility for all other incidents of such conveyance.

Sec. 81. Section 3-55j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Twenty million dollars of the moneys available in the Mashantucket Pequot and Mohegan Fund established by section 3-55i

shall be paid to municipalities eligible for a state grant in lieu of taxes pursuant to section 12-19a in addition to the grants payable to such municipalities pursuant to section 12-19a, subject to the provisions of subsection (b) of this section. Such grant shall be calculated under the provisions of section 12-19a and shall equal one-third of the additional amount which such municipalities would be eligible to receive if the total amount available for distribution were eighty-five million two hundred five thousand eighty-five dollars and the percentage of reimbursement set forth in section 12-19a were increased to reflect such amount. Any eligible special services district shall receive a portion of the grant payable under this subsection to the town in which such district is located. The portion payable to any such district under this subsection shall be the amount of the grant to the town under this subsection which results from application of the district mill rate to exempt property in the district. As used in this subsection and subsection (c) of this section, "eligible special services district" means any special services district created by a town charter, having its own governing body and for the assessment year commencing October 1, 1996, containing fifty per cent or more of the value of total taxable property within the town in which such district is located.

(b) No municipality shall receive a grant pursuant to subsection (a) of this section which, when added to the amount of the grant payable to such municipality pursuant to section 12-19a, would exceed one hundred per cent of the property taxes which would have been paid with respect to all state-owned real property, except for the exemption applicable to such property, on the assessment list in such municipality for the assessment date two years prior to the commencement of the state fiscal year in which such grants are payable, except that, notwithstanding the provisions of said subsection (a), no municipality shall receive a grant pursuant to said subsection which is less than one thousand six hundred sixty-seven dollars.

(c) Twenty million one hundred twenty-three thousand nine hundred sixteen dollars of the moneys available in the Mashantucket

Pequot and Mohegan Fund established by section 3-55i shall be paid to municipalities eligible for a state grant in lieu of taxes pursuant to section 12-20a, as amended, in addition to and in the same proportion as the grants payable to such municipalities pursuant to section 12-20a, as amended, subject to the provisions of subsection (d) of this section. Any eligible special services district shall receive a portion of the grant payable under this subsection to the town in which such district is located. The portion payable to any such district under this subsection shall be the amount of the grant to the town under this subsection which results from application of the district mill rate to exempt property in the district.

(d) Notwithstanding the provisions of subsection (c) of this section, no municipality shall receive a grant pursuant to said subsection which, when added to the amount of the grant payable to such municipality pursuant to section 12-20a, as amended, would exceed one hundred per cent of the property taxes which, except for any exemption applicable to any private nonprofit institution of higher education, nonprofit general hospital facility or free standing chronic disease hospital under the provisions of section 12-81, as amended, would have been paid with respect to such exempt real property on the assessment list in such municipality for the assessment date two years prior to the commencement of the state fiscal year in which such grants are payable.

(e) Thirty-five million dollars of the moneys available in the Mashantucket Pequot and Mohegan Fund established by section 3-55i shall be paid to municipalities in accordance with the provisions of section 7-528, except that for the purposes of section 7-528, "adjusted equalized net grand list per capita" means the equalized net grand list divided by the total population of a town, as defined in subdivision (7) of subsection (a) of section 10-261, as amended, multiplied by the ratio of the per capita income of the town to the per capita income of the town at the one hundredth percentile among all towns in the state ranked from lowest to highest in per capita income, and "equalized net

grand list" means the net grand list of such town upon which taxes were levied for the general expenses of such town two years prior to the fiscal year in which a grant is to be paid, equalized in accordance with section 10-261a.

(f) Five million four hundred seventy-five thousand dollars of the moneys available in the Mashantucket Pequot and Mohegan Fund established by section 3-55i shall be paid to the following municipalities in accordance with the provisions of section 7-528, except that for the purposes of said section 7-528, "adjusted equalized net grand list per capita" means the equalized net grand list divided by the total population of a town, as defined in subdivision (7) of subsection (a) of section 10-261, as amended, multiplied by the ratio of the per capita income of the town to the per capita income of the town at the one hundredth percentile among all towns in the state ranked from lowest to highest in per capita income, and "equalized net grand list" means the net grand list of such town upon which taxes were levied for the general expenses of such town two years prior to the fiscal year in which a grant is to be paid, equalized in accordance with section 10-261a: Bridgeport, Hamden, Hartford, Meriden, New Britain, New Haven, New London, Norwalk, Norwich, Waterbury and Windham.

(g) Notwithstanding the provisions of subsections (a) to (f), inclusive, of this section, the total grants paid to the following municipalities from the moneys available in the Mashantucket Pequot and Mohegan Fund established by section 3-55i shall be as follows:

T1	Bloomfield	$ 267,489
T2	Bridgeport	10,506,506
T3	Bristol	1,004,050
T4	Chaplin	141,725
T5	Danbury	1,612,564
T6	Derby	432,162
T7	East Hartford	522,421

T8	East Lyme	488,160
T9	Groton	2,037,088
T10	Hamden	1,592,270
T11	Manchester	1,014,244
T12	Meriden	1,537,900
T13	Middletown	2,124,960
T14	Milford	676,535
T15	New Britain	3,897,434
T16	New London	2,649,363
T17	North Haven	268,582
T18	Norwalk	1,451,367
T19	Norwich	1,662,147
T20	Preston	461,939
T21	Rocky Hill	477,950
T22	Stamford	1,570,767
T23	Union	38,101
T24	Voluntown	156,902
T25	Waterbury	5,179,655
T26	Wethersfield	371,629
T27	Windham	1,307,974
T28	Windsor Locks	754,833

[(h) The municipalities of Ledyard, North Stonington and Preston shall each receive a grant of one hundred seventy-five thousand dollars and the municipality of Montville shall receive a grant of one hundred fifty thousand dollars which shall be paid from the Mashantucket Pequot and Mohegan Fund established by section 3-55i and which shall be in addition to the grants paid to said municipalities pursuant to subsections (a) to (g), inclusive, of this section.**]**

[(i)**]** (h) For the fiscal year ending June 30, 1999, and each fiscal year thereafter, if the amount of grant payable to a municipality in accordance with this section is increased as the result of an appropriation to the Mashantucket Pequot and Mohegan Fund for such fiscal year which exceeds eighty-five million dollars, the portion

of the grant payable to each eligible service district, in accordance with subsections (a) and (c) of this section shall be increased by the same proportion as the grant payable to such municipality under this section as a result of said increased appropriation.

[(j) For the fiscal year ending June 30, 2000, and each fiscal year thereafter, the municipality of Ledyard shall receive a grant of two hundred fifty thousand dollars, which shall be paid from the Mashantucket Pequot and Mohegan Fund established by section 3-55i. Said grant shall be in addition to the grants paid to said municipality pursuant to subsections (a) to (h), inclusive, of this section.**]**

(i) For the fiscal year ending June 30, 2003, and each fiscal year thereafter, the municipalities of Ledyard, Montville, Norwich, North Stonington and Preston shall each receive a grant of five hundred thousand dollars which shall be paid from the Mashantucket Pequot and Mohegan Fund established by section 3-55i and which shall be in addition to the grants paid to said municipalities pursuant to subsections (a) to (g), inclusive, of this section.

[(k)**]** (j) For the fiscal **[**year**]** years ending June 30, 2000, **[**and each fiscal year thereafter**]** June 30, 2001, and June 30, 2002, the sum of forty-nine million seven hundred fifty thousand dollars shall be paid to municipalities, and for the fiscal year ending June 30, 2003, and each fiscal year thereafter, the sum of forty-seven million five hundred thousand dollars shall be paid to municipalities, in accordance with this subsection, from the Mashantucket Pequot and Mohegan Fund established by section 3-55i. The grants payable under this subsection shall be used to proportionately increase the amount of the grants payable to each municipality in accordance with subsections (a) to **[**(j)**]** (i), inclusive, of this section and shall be in addition to the grants payable under **[**said**]** subsections (a) through (g), inclusive, of this section.

(k) The amount of the grant payable to each municipality in accordance with subsection (j) of this section shall be reduced

proportionately in the event that the total of the grants payable to each municipality pursuant to this section exceeds the amount appropriated for such grants with respect to such year.

Sec. 82. (*Effective from passage*) During the fiscal year ending June 30, 2003, the Department of Higher Education shall evaluate the benefits to the state of continued participation in the New England Board of Higher Education.

Sec. 83. Subsection (e) of section 46b-15 of the general statutes, as amended by section 12 of public act 01-130, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and of any ex parte order issued pursuant to subsection (b) of this section to be served on the respondent not less than five days before the hearing. The cost of such service shall be paid for by the judicial branch. Upon the granting of an ex parte order, the clerk of the court shall provide two certified copies of the order to the applicant and a copy to the Family Division. Upon the granting of an order after notice and hearing, the clerk of the court shall provide two certified copies of the order to the applicant and a copy to the Family Division and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall contain the following language: "This court had jurisdiction over the parties and the subject matter when it issued this protection order. Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, 18 USC 2265, this order is valid and enforceable in all fifty states, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and tribal lands." The clerk of the court shall send a certified copy of any ex parte order and of any order after notice and hearing to the law enforcement agency for the town in which the applicant resides and, if the respondent resides in a town

different than the town in which the applicant resides, to the law enforcement agency for the town in which the respondent resides, within forty-eight hours of the issuance of such order. If the applicant is employed in a town different than the town in which the applicant resides, the clerk of the court shall, upon the request of the applicant, send a certified copy of any such order, to the law enforcement agency for the town in which the applicant is employed within forty-eight hours of the issuance of such order.

Sec. 84. Section 54-250 of the general statutes, as amended by section 22 of public act 01-84, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For the purposes of sections 54-102g and 54-250 to 54-259, inclusive, as amended by this act:

(1) "Conviction" means a judgment entered by a court upon a plea of guilty, a plea of nolo contendere or a finding of guilty by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from such judgment.

(2) "Criminal offense against a victim who is a minor" means (A) a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000, subdivision (2) of subsection (a) of section 53-21, subdivision (2) of subsection (a) of section 53a-70, subdivision (1), (4) or (8) of subsection (a) of section 53a-71, subdivision (2) of subsection (a) of section 53a-72a, subdivision (2) of subsection (a) of section 53a-86, subdivision (2) of subsection (a) of section 53a-87, section 53a-196a, 53a-196b, 53a-196c or 53a-196d, (B) a violation of section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or 53a-186, provided the court makes a finding that, at the time of the offense, the victim was under eighteen years of age, (C) a violation of any of the offenses specified in subparagraph (A) or (B) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any offense specified in subparagraph (A), (B) or (C) of this subdivision the

essential elements of which are substantially the same as said offense.

(3) "Identifying factors" means fingerprints, a photographic image, and a description of any other identifying characteristics as may be required by the Commissioner of Public Safety. The commissioner shall also require a sample of the registrant's blood taken for DNA (deoxyribonucleic acid) analysis, unless such sample has been previously obtained in accordance with section 54-102g.

(4) "Mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(5) "Nonviolent sexual offense" means a violation of section 53a-73a.

(6) "Not guilty by reason of mental disease or defect" means a finding by a court or jury of not guilty by reason of mental disease or defect pursuant to section 53a-13 notwithstanding any pending appeal or habeas corpus proceeding arising from such finding.

(7) "Personality disorder" means a condition as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(8) "Registrant" means a person required to register under section 54-251, as amended by this act, 54-252, as amended by this act, 54-253, as amended by this act, or 54-254, as amended by this act.

(9) "Registry" means a central record system in this state, any other state or the federal government that receives, maintains and disseminates information on persons convicted or found not guilty by reason of mental disease or defect of criminal offenses against victims who are minors, nonviolent sexual offenses, sexually violent offenses and felonies found by the sentencing court to have been committed for a sexual purpose.

(10) "Release into the community" means, with respect to a conviction or a finding of not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense, a sexually violent offense or a felony found by the sentencing court to have been committed for a sexual purpose, (A) any release by a court after such conviction or finding of not guilty by reason of mental disease or defect, a sentence of probation or any other sentence under section 53a-28 that does not result in the offender's immediate placement in the custody of the Commissioner of Correction; (B) release from a correctional facility at the discretion of the Board of Parole, by the Department of Correction to a program authorized by section 18-100c or upon completion of the maximum term or terms of the offender's sentence or sentences, or to the supervision of the Office of Adult Probation in accordance with the terms of the offender's sentence; or (C) release from a hospital for mental illness or a facility for persons with mental retardation by the Psychiatric Security Review Board on conditional release pursuant to section 17a-588 or upon termination of commitment to the Psychiatric Security Review Board.

(11) "Sexually violent offense" means (A) a violation of section 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a, 53a-70b, 53a-71, except subdivision (1), (4) or (8) of subsection (a) of said section, 53a-72a, except subdivision (2) of subsection (a) of said section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim, (B) a violation of any of the offenses specified in subparagraph (A) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49, or (C) a violation of any predecessor statute to any of the offenses specified in subparagraph (A) or (B) of this subdivision the essential elements of which are substantially the same as said offense.

(12) "Sexual purpose" means that a purpose of the defendant in committing the felony was to engage in sexual contact or sexual

intercourse with another person without that person's consent. A sexual purpose need not be the sole purpose of the commission of the felony. The sexual purpose may arise at any time in the course of the commission of the felony.

(13) "Employed" or "carries on a vocation" means employment that is full-time or part-time for more than fourteen days, or for a total period of time of more than thirty days during any calendar year, whether financially compensated, volunteered or for the purpose of government or educational benefit.

(14) "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution or institution of higher learning.

Sec. 85. Section 54-251 of the general statutes, as amended by section 1 of public act 01-211, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor or a nonviolent sexual offense, and is released into the community on or after October 1, 1998, shall, within three days following such release, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record and residence address with the Commissioner of Public Safety, on such forms and in such locations as the commissioner shall direct, and shall maintain such registration for ten years except that any person who has one or more prior convictions of any such offense or who is convicted of a violation of subdivision (2) of subsection (a) of section 53a-70 shall maintain such registration for life. Prior to accepting a plea of guilty or nolo contendere from a person with respect to a criminal offense against a victim who is a minor or a nonviolent sexual offense, the court shall (1) inform the person that the entry of a finding of guilty after acceptance

of the plea will subject the person to the registration requirements of this section, and (2) determine that the person fully understands the consequences of the plea. If such person changes such person's address such person shall, within five days, register the new address in writing with the Commissioner of Public Safety, and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section **[**regularly travels into or within another state or temporarily resides in another state for purposes including, but not limited to employment or schooling**]** is employed in another state, carries on a vocation in another state or is a student in another state, such person shall notify the Commissioner of Public Safety and shall also register with an appropriate agency in that state provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Public Safety. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall notify the Commissioner of Public Safety of such status and of any change in such status.

(b) Notwithstanding the provisions of subsection (a) of this section, the court may exempt any person who has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (1) of subsection (a) of section 53a-71 from the registration requirements of this section if the court finds that such person was under nineteen years of age at the time of the offense and that registration is not required for public safety.

(c) Notwithstanding the provisions of subsection (a) of this section, the court may exempt any person who has been convicted or found

not guilty by reason of mental disease or defect of a violation of subdivision (2) of subsection (a) of section 53a-73a from the registration requirements of this section if the court finds that registration is not required for public safety.

(d) Any person who files an application with the court to be exempted from the registration requirements of this section pursuant to subsection (b) or (c) of this section shall, pursuant to subsection (b) of section 54-227, notify the Office of Victim Services and the Department of Correction of the filing of such application. The Office of Victim Services or the Department of Correction, or both, shall, pursuant to section 54-230 or section 6 of **[**this act**]** public act 01-211, notify any victim who has requested notification of the filing of such application. Prior to granting or denying such application, the court shall consider any information or statement provided by the victim.

(e) Any person who violates the provisions of subsection (a) of this section shall be guilty of a class D felony.

Sec. 86. Section 54-252 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect of a sexually violent offense, and (1) is released into the community on or after October 1, 1988, and prior to October 1, 1998, and resides in this state, shall, on October 1, 1998, or within three days of residing in this state, whichever is later, or (2) is released into the community on or after October 1, 1998, shall, within three days following such release, register such person's name, identifying factors, criminal history record, documentation of any treatment received for mental abnormality or personality disorder, and residence address with the Commissioner of Public Safety on such forms and in such locations as said commissioner shall direct, and shall maintain such registration for life. Prior to accepting a plea of guilty or nolo contendere from a person with respect to a sexually violent offense, the court shall (A) inform the person that the entry of a finding

of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (B) determine that the person fully understands the consequences of the plea. If such person changes such person's address such person shall, within five days, register the new address in writing with the Commissioner of Public Safety, and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section **[**regularly travels into or within another state or temporarily resides in another state for purposes including, but not limited to employment or schooling**]** is employed in another state, carries on a vocation in another state or is a student in another state, such person shall notify the Commissioner of Public Safety and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Public Safety. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall notify the Commissioner of Public Safety of such status and of any change in such status.

(b) Any person who has been subject to the registration requirements of section 54-102r of the general statutes, revised to January 1, 1997, as amended by section 1 of public act 97-183, shall, not later than three working days after October 1, 1998, register under this section and thereafter comply with the provisions of sections 54-102g and 54-250 to 54-259, inclusive, as amended by this act.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, during the initial registration period following October 1, 1998, the Commissioner of Public Safety may phase in completion of the

registration procedure for persons released into the community prior to said date over the first three months following said date, and no such person shall be prosecuted for failure to register under this section during those three months provided such person complies with the directives of said commissioner regarding registration procedures.

(d) Any person who violates the provisions of this section shall be guilty of a class D felony.

Sec. 87. Section 54-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect in any other state, in a federal or military court or in any foreign jurisdiction of any crime, the essential elements of which are substantially the same as any of the crimes specified in subdivisions (2), (5) and (11) of section 54-250 and who resides in this state on and after October 1, 1998, shall, within ten days of residing in this state, register with the Commissioner of Public Safety in the same manner as if such person had been convicted or found not guilty by reason of mental disease or defect of such crime in this state, except that for purposes of determining the ten-year period of registration under section 54-251 such person shall be deemed to have initially registered on the date of such person's release into the community in such other state, federal or military system or foreign jurisdiction.

(b) Any person not a resident of this state who is registered as a sexual offender under the laws of any other state and who **[**regularly travels into or within this state or temporarily resides in this state for purposes including, but not limited to employment or schooling**]** is employed in this state, carries on a vocation in this state or is a student in this state, shall, within **[**three**]** five days after the commencement of such **[**travel or residence**]** employment, vocation or education in this state, register such person's name, identifying factors, criminal history

record, locations visited on a recurring basis or residence address, if any, in this state, and residence address in such person's home state with the Commissioner of Public Safety on such forms and in such locations as said commissioner shall direct and shall maintain such registration until such **[**travel or residence**]** employment, vocation or education terminates or until such person is released from registration as a sexual offender in such other state. If such person terminates such person's **[**travel or residence**]** employment, vocation or education in this state or changes such person's address in this state such person shall, within five days, provide notice in writing to the Commissioner of Public Safety.

(c) If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall notify the Commissioner of Public Safety of such status and of any change in such status.

(d) Any person not a resident of this state who is registered as a sexual offender under the laws of any other state and who travels in this state on a recurring basis for periods of less than five days shall notify the Commissioner of Public Safety of such person's temporary residence in this state and of a telephone number at which such person may be contacted.

[(c)**]** (e) Any person who violates the provisions of this section shall be guilty of a class D felony.

Sec. 88. Section 54-254 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect in this state on or after October 1, 1998, of any felony that the court finds was committed for a sexual purpose, may be required by the court upon release into the community to register such person's name, identifying factors,

criminal history record and residence address with the Commissioner of Public Safety, on such forms and in such locations as the commissioner shall direct, and to maintain such registration for ten years. If the court finds that a person has committed a felony for a sexual purpose and intends to require such person to register under this section, prior to accepting a plea of guilty or nolo contendere from such person with respect to such felony, the court shall (1) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (2) determine that the person fully understands the consequences of the plea. If such person changes such person's address such person shall, within five days, register the new address in writing with the Commissioner of Public Safety, and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall notify the Commissioner of Public Safety of such status and of any change in such status. If any person who is subject to registration under this section **[**regularly travels into or within another state or temporarily resides in another state for purposes including, but not limited to employment or schooling**]** is employed in another state, carries on a vocation in another state or is a student in another state, such person shall notify the Commissioner of Public Safety and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Public Safety.

(b) Any person who violates the provisions of this section shall be guilty of a class D felony.

Sec. 89. Section 54-256 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any court, the Commissioner of Correction or the Psychiatric Security Review Board, prior to releasing into the community any person convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense, a sexually violent offense or a felony found by the sentencing court to have been committed for a sexual purpose, except a person being released unconditionally at the conclusion of such person's sentence or commitment, shall require as a condition of such release that such person complete the registration procedure established by the Commissioner of Public Safety under sections 54-251, as amended by this act, 54-252, as amended by this act, and 54-254, as amended by this act. The court, the Commissioner of Correction or the Psychiatric Security Review Board, as the case may be, shall provide the person with a written summary of the person's obligations under sections 54-102g and 54-250 to 54-259, inclusive, as amended by this act, and transmit the completed registration package to the Commissioner of Public Safety who shall enter the information into the registry established under section 54-257, as amended by this act. If a court transmits the completed registration package to the Commissioner of Public Safety with respect to a person released by the court, such package need not include identifying factors for such person. In the case of a person being released unconditionally who declines to complete the registration package through the court or the releasing agency, the court or agency shall: (1) Except with respect to information that is not available to the public pursuant to court order, rule of court or any provision of the general statutes, provide to the Commissioner of Public Safety the person's name, date of release into the community, anticipated residence address, if known, criminal history record, any known treatment history and any other relevant information; (2) inform the person that such person has an obligation to register within three days with the Commissioner of Public Safety for a period of ten years following the date of such person's release or

for life, as the case may be, and that if such person changes such person's address such person shall within five days register the new address in writing with the Commissioner of Public Safety and, if the new address is in another state or if such person **[**regularly travels into or within another state or temporarily resides in another state for purposes including, but not limited to employment or schooling**]** is employed in another state, carries on a vocation in another state or is a student in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders; (3) provide the person with a written summary of the person's obligations under sections 54-102g and 54-250 to 54-259, inclusive, as amended by this act, as explained to the person under subdivision (2) of this section; and (4) make a specific notation on the record maintained by that agency with respect to such person that the registration requirements were explained to such person and that such person was provided with a written summary of such person's obligations under sections 54-102g and 54-250 to 54-259, inclusive, as amended by this act.

Sec. 90. Section 54-257 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Department of Public Safety shall, not later than January 1, 1999, establish and maintain a registry of all persons required to register under sections 54-251, as amended by this act, 54-252, as amended by this act, 54-253, as amended by this act, and 54-254, as amended by this act. The department shall, in cooperation with the Office of the Chief Court Administrator, the Department of Correction and the Psychiatric Security Review Board, develop appropriate forms for use by agencies and individuals to report registration information, including changes of address. Upon receipt of registration information, the department shall enter the information into the registry and notify the local police department or state police troop having jurisdiction where the registrant resides or plans to reside. If a registrant notifies the Department of Public Safety that such registrant is employed at,

carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, the department shall notify the law enforcement agency with jurisdiction over such institution. If a registrant reports a residence in another state, the department shall notify the state police agency of that state or such other agency in that state that maintains registry information, if known. The department shall also transmit all registration information, conviction data, photographic images and fingerprints to the Federal Bureau of Investigation in such form as said bureau shall require for inclusion in a national registry.

(b) The Department of Public Safety may suspend the registration of any person registered under section 54-251, as amended by this act, 54-252, as amended by this act, 54-253, as amended by this act, or 54-254, as amended by this act, while such person is incarcerated, under civil commitment or residing outside this state. During the period that such registration is under suspension, the department is not required to verify the address of the registrant pursuant to subsection (c) of this section and may withdraw the registration information from public access. Upon the release of the registrant from incarceration or civil commitment or resumption of residency in this state by the registrant, the department shall reinstate the registration, redistribute the registration information in accordance with subsection (a) of this section and resume verifying the address of the registrant in accordance with subsection (c) of this section. Suspension of registration shall not affect the date of expiration of the registration obligation of the registrant under section 54-251, as amended by this act, 54-252, as amended by this act, or 54-253, as amended by this act.

(c) Except as provided in subsection (b) of this section, the Department of Public Safety shall verify the address of each registrant by mailing a nonforwardable verification form to the registrant at the registrant's last reported address. Such form shall require the registrant to sign a statement that the registrant continues to reside at the registrant's last reported address and return the form by mail by a date

which is ten days after the date such form was mailed to the registrant. The form shall contain a statement that failure to return the form or providing false information is a violation of section 54-251, as amended by this act, 54-252, as amended by this act, 54-253, as amended by this act, or 54-254, as amended by this act, as the case may be. Each person required to register under section 54-251, as amended by this act, 54-252, as amended by this act, 54-253, as amended by this act, or 54-254, as amended by this act, shall have such person's address verified in such manner **[**annually on the anniversary of such person's initial registration date. Each person required to register under section 54-252 shall have such person's address verified in such manner every ninety days after such person's initial registration date. Each person required to register under section 54-253 shall have such person's address verified in such manner either annually on the anniversary of such person's initial registration date or every ninety days after such person's initial registration date depending upon whether, after such initial registration, such person is subject to the requirements of section 54-251 or section 54-252, respectively**]** every ninety days after such person's initial registration date. In the event that a registrant fails to return the address verification form, the Department of Public Safety shall notify the local police department or the state police troop having jurisdiction over the registrant's last reported address, and that agency shall apply for a warrant to be issued for the registrant's arrest under section 54-251, as amended by this act, 54-252, as amended by this act, 54-253, as amended by this act, or 54-254, as amended by this act, as the case may be. The Department of Public Safety shall not verify the address of registrants whose last reported address was outside this state.

(d) The Department of Public Safety shall retake the photographic image of each registrant at least once every five years.

Sec. 91. (NEW) (*Effective from passage)* (a) As used in this section, "juice bar or similar facility" means an area in which nonalcoholic beverages are served to minors. The holder of a cafe permit may

operate a juice bar or similar facility at a permit premises if the juice bar or similar facility is limited to a room or rooms or separate area within the permit premises wherein there is no sale, consumption, dispensing or presence of alcoholic liquor.

(b) The holder of a cafe permit shall notify and inform local police in advance of specific dates and hours of any scheduled event at which the premises or a portion thereof will be used as a juice bar or similar facility.

(c) Nothing in this section shall exempt the holder of a cafe permit from compliance with any other provisions of the general statutes or regulations of Connecticut state agencies concerning minors, including, but not limited to, the prohibition against the sale of alcoholic liquor to minors. The presence of alcoholic liquor or the sale or dispensing to or consumption of alcoholic liquor by a minor at a juice bar or similar facility is prohibited.

Sec. 92. (*Effective from passage*) (a) For the fiscal years ending June 30, 2003, and June 30, 2004, the sum of $13,339,405 received by the state of Connecticut, from the federal government, for bonus payments for welfare to work, is deemed to be appropriated as follows, to be used for the purposes of the TANF Program, as defined in Public Law 104-193:

		$
	Welfare to Work Reverse Commuting	2,000,000
	Reopening of the Child Care Certificate Program	4,000,000
	Enhanced provision of Grants Funds to Address barriered TANF Clients	1,800,000
	Enhanced Assessment and Case Management	1,900,000
	Fatherhood/Research and Demonstration Projects	600,000
	Rental Assistance Vouchers and T-Rap	2,000,000
	CT Charts-A-Course	539,405
	Jobs Funnel	500,000

(b) Such funds shall not lapse on June 30, 2003, and shall continue to be available for expenditure for such purposes during the fiscal year ending June 30, 2004.

(c) Up to $250,000 per year of the funds for Rental Assistance Vouchers and T-Rap shall be used for individuals who are no longer eligible for temporary assistance because they have reached the maximum number of months of eligibility or the maximum number of extensions for which they are eligible.

(d) The sum of $400,000 of the funds for Enhanced Assessment and Case Management shall be allocated to Community Action (CAP) agencies for enhanced assessment and job training programs for TFA clients.

Sec. 93. (*Effective from passage*) During the fiscal year ending June 30, 2003, the following sums shall be distributed to the following towns from the amount appropriated to the Office of Policy and Management in section 17 of public act 02-1 of the May 9 special session, for Local Aid Adjustment:

	$
Bethany	604
Bridgeport	100,000
Cheshire	3,622
Greenwich	450
Ledyard	234,233
New London	724,265
Plainfield	100,000
Somers	2,843
Suffield	2,447

Sec. 94. Section 17b-279 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective September 1, 2002*):

The Commissioner of Social Services shall verify the propriety and reasonableness of payments to providers for drugs provided to

Medicaid recipients **[**, including the generic incentive dispensing fee,**]** through field audit examinations and other reasonable means to the extent possible within available appropriations. The commissioner shall document financial and utilization statistics as to drugs provided to Medicaid recipients by therapeutic category and shall outline problems encountered in the administration of prescription drug utilization in the Medicaid program, suggested solutions and any recommendations for improvement. The commissioner shall submit a report, on or before February 15, 1990, and annually thereafter, documenting the results of the verification process, the financial and utilization statistics, the problems encountered, suggested solutions and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to human services and appropriations.

Sec. 95. (*Effective from passage*) Notwithstanding the provisions of the general statutes, for the fiscal year ending June 30, 2003, the amount of the grant payable to each municipality in accordance with subsection (c) of section 12-81g, subsection (g) of section 12-170aa, of the general statutes, section 12-94a, 12-94b, 12-129d, 19a-202, 19a-202a, 19a-245 or 32-9s of the general statutes, as amended, shall be reduced proportionately to remain within the available appropriation.

Sec. 96. (*Effective from passage*) Notwithstanding any provision of the general statutes or any provision of any public or special act, any reduction of allotments included in subsection (e) of section 4-85 of the general statutes that is taken in accordance with section 52 of public act 02-1 of the May 9 special session, shall be proportionately reduced to remain within the revised allotment.

Sec. 97. Section 31-71b of the general statutes is amended by adding subsection (d) as follows (*Effective from passage*):

(NEW) (d) Nothing in this section shall be construed to apply to employees swapping workdays or shifts as permitted under a collective bargaining agreement.

Sec. 98. (*Effective from passage*) The unexpended balance of funds appropriated to State Employees Health Service Cost, for Other Expenses, in section 1 of special act 01-1 of the June special session, shall not lapse on June 30, 2002, and the unexpended balance of funds transferred to State Employees Health Service Cost, for Other Expenses, in section 12 of public act 02-1 of the May 9 special session, shall not lapse on July 31, 2002, and such funds shall continue to be available for expenditure for such purpose during the fiscal year ending June 30, 2003.

Sec. 99. Section 46a-55 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commission counsel shall represent the commission in any proceeding wherein any state agency or state officer is an adversary party and may represent the commission in such other matters as the commission and the Attorney General may jointly prescribe. The commission counsel shall be a member of the bar of this state and shall report to the executive director on a day-to-day basis. The executive director shall evaluate the performance of the commission counsel.

Sec. 100. Section 46a-57 of the general statutes, as amended by section 5 of public act 01-9 of the June special session, is repealed and the following is substituted in lieu thereof *(Effective from passage)*:

(a) (1) The Governor shall appoint three human rights referees for terms commencing October 1, 1998, and four human rights referees for terms commencing January 1, 1999. The human rights referees so appointed shall serve for a term of one year.

(2) (A) On and after October 1, 1999, the Governor shall appoint seven human rights referees with the advice and consent of both houses of the General Assembly. The Governor shall appoint three human rights referees to serve for a term of two years commencing October 1, 1999. The Governor shall appoint four human rights referees to serve for a term of three years commencing January 1, 2000.

Thereafter, human rights referees shall serve for a term of three years. **[**The Governor may remove any human rights referee for cause.**]**

(B) On and after July 1, 2001, there shall be five human rights referees. Each of the human rights referees serving on July 1, 2001, shall complete the term to which such referee was appointed. Thereafter, human rights referees shall be appointed by the Governor, with the advice and consent of both houses of the General Assembly, to serve for a term of three years.

(3) When the General Assembly is not in session, any vacancy shall be filled pursuant to the provisions of section 4-19. The Governor may remove any human rights referee for cause.

(b) Human rights referees shall serve full-time and shall conduct the settlement negotiations and hearings authorized by the provisions of this chapter. A human rights referee shall have the powers granted to hearing officers and presiding officers by chapter 54 and this chapter. A human rights referee shall be an attorney admitted to the practice of law in this state. Any commissioner of the Superior Court who is able and willing to hear discriminatory practice complaints may submit his or her name to the Governor for consideration for appointment as a human rights referee. No human rights referee shall appear before the commission or another hearing officer for one year after leaving office.

[(c) The Chief Human Rights Referee and each full-time human rights referee shall receive an annual salary equivalent to that set forth in subsection (h) of section 46b-231 and shall be entitled to the fringe benefits available to other state employees. The cost of stenographic and clerical assistance, equipment and supplies shall be paid by the state upon the approval of the Commissioner of Administrative Services. The budget for human rights referees shall be a separate line item within the budget of the commission.**]**

[(d)**]** (c) On or after October 1, 1998, the executive director shall designate one human rights referee to serve as Chief Human Rights

Referee for a term of one year. The Chief Human Rights Referee, in consultation with the executive director, shall supervise and assign the human rights referees to conduct settlement negotiations and hearings on complaints, including complaints for which a trial on the merits has not commenced prior to October 1, 1998, on a rotating basis. The commission, in consultation with the executive director and Chief Human Rights Referee, shall **[**develop**]** adopt regulations and rules of practice, in accordance with chapter 54, to ensure consistent procedures governing contested case proceedings.

[(e) Part-time hearing officers serving on July 1, 1998, shall continue to serve until all cases assigned to any such part-time hearing officer are completed. If a part-time hearing officer believes that a case should be transferred to a human rights referee, the part-time hearing officer shall solicit the views of the parties and submit a recommendation to the Chief Human Rights Referee. The Chief Human Rights Referee shall determine whether the case should be assigned to any human rights referee or whether such case should remain with such part-time hearing officer.

(f) Each part-time hearing officer and each commissioner shall receive one hundred twenty-five dollars per day for each day on which he or she conducts hearings and, upon presentation of adequate documentation, compensation in the amount of one hundred twenty-five dollars per day prorated for the time during each day on which the officer or commissioner is not conducting hearings but is engaged in the preparation of findings, decisions, orders or rulings, and their reasonable expenses, including necessary stenographic and clerical help, shall be paid by the state upon approval of the Commissioner of Administrative Services.**]**

[(g)**]** (d) When serving as a presiding officer as provided in section 46a-84, each human rights referee or hearing officer shall have the same subpoena powers as are granted to commissioners by subdivision (9) of section 46a-54, as amended. Each presiding officer

shall also have the power to determine a reasonable fee to be paid to an expert witness, including, but not limited to, any practitioner of the healing arts, as defined in section 20-1, dentist, registered nurse or licensed practical nurse, as defined in section 20-87a, and real estate appraiser when any such expert witness is summoned by the commission to give expert testimony, in person or by deposition, in any contested case proceeding, pursuant to section 46a-84. **[**Said**]** Such fee shall be paid to the expert witness in lieu of all other witness fees.

Sec. 101. (*Effective from passage*) For the fiscal year ending June 30, 2003, the sum of $345,000 of the amount of the fees collected by the Department of Public Health pursuant to section 1 of public act 02-113 shall be credited to the appropriation to the Department of Public Health, for Other Expenses, for expenditure to implement the provisions of public act 02-113.

Sec. 102. Section 19a-122b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding the provisions of chapters 368v and 368z, an organization licensed as a hospice pursuant to the Public Health Code or certified as a hospice pursuant to 42 USC Section 1395x, shall be authorized, until October 1, **[**2001**]** 2006, to operate on a pilot basis a residence for terminally ill persons, for the purpose of providing hospice home care arrangements including, but not limited to, hospice home care services and supplemental services. Such arrangements shall be provided to those patients who would otherwise receive such care from family members. The residence shall provide a homelike atmosphere for such patients for a time period deemed appropriate for home health care services under like circumstances. Any hospice which operates a residence pursuant to the provisions of this section shall cooperate with the Commissioner of Public Health to develop standards for the licensure and operation of such homes.

Sec. 103. Section 4-212 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in sections 4-212 to 4-219, inclusive:

(1) "Competitive negotiation" means a procedure for contracting for services in which (A) proposals are solicited from qualified persons, firms or corporations by a request for proposals and (B) changes may be negotiated in proposals and prices after being submitted.

(2) "Personal service contractor" means any person, firm or corporation not employed by the state, who is hired by a state agency for a fee to provide services to the agency. The term "personal service contractor" shall not include (A) a person, firm or corporation providing "contractual services", as defined in section 4a-50, to the state, (B) a "consultant", as defined in section 4b-55, as amended, (C) a "consultant", as defined in section 13b-20b, providing services to the Department of Transportation, **[**or**]** (D) an agency of the federal government, of the state or of a political subdivision of the state, or (E) consultant services for information and telecommunications systems authorized under subdivision (5) of subsection (c) of section 4d-2.

(3) "Personal service agreement" means a written agreement defining the services or end product to be delivered by a personal service contractor to a state agency, excluding any agreement with a personal service contractor that the state accounting manual does not require to be submitted to the Comptroller.

(4) "Secretary" means the Secretary of the Office of Policy and Management.

(5) "State agency" means a department, board, council, commission, institution or other agency of the Executive Department of the state government.

Sec. 104. (NEW) (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, for the duration of a demonstration project established pursuant to 42 USC 1359b-1 for the purpose of improving the efficiency of the process for the payment of claims for

home health services provided to individuals eligible for both Medicare and Medicaid: (1) No eligible recipient of home health services shall be liable for reimbursement to the state for the cost of those services; and (2) the Commissioner of Social Services may impose upon a provider of home health services a sanction of up to fifty thousand dollars for each failure to file claims or medical records as required under the provisions of the demonstration project. Any sanction imposed pursuant to this section may be recouped from ongoing payments to the provider of the services.

(b) The Commissioner of Social Services may, pursuant to an agreement with the Center for Medicare and Medicaid Services, waive liability for reimbursement to the state for payment for home health services received by an otherwise liable eligible recipient to whom such services were provided during the interim period from October 1, 1997, to September 30, 2000, inclusive.

Sec. 105. (*Effective from passage*) (NEW) (a) There is established a separate nonlapsing account within the General Fund to be known as the Ed-Net account. Any reimbursements received by the Department of Information Technology for costs associated with the Connecticut Education Network shall be deposited in the General Fund and credited to the Ed-Net account to be used by said department to support the costs of said network.

(b) The funds made available to the Department of Information Technology in subsection (a) of this section, for Ed-Net, may be transferred by said department to state agencies requiring funds for such purpose.

Sec. 106. (*Effective from passage*) For the fiscal year ending June 30, 2003, after all required payments are made from the Local Aid Adjustment account, the Secretary of the Office of Policy and Management may, with approval of the Finance Advisory Committee, transfer the balance of funds transferred to the Office of Policy and Management in section 17 of public act 02-1 of the May 9 special

session and carried forward by said section to State Employees Health Service Cost, for Other Expenses.

Sec. 107. Section 4-28j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) Each tobacco product manufacturer that elects to place funds into escrow pursuant to section 4-28i, as amended, shall annually certify to the Attorney General that it is in compliance with said section 4-28i.

(b) The Attorney General may bring a civil action on behalf of the state against any tobacco product manufacturer that fails to place into escrow the funds required under section 4-28i, as amended. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under section 4-28i, as amended, shall (1) be required within fifteen days to place such funds into escrow as shall bring it into compliance with section 4-28i, as amended. The court, upon a finding of a violation of this subsection, may impose a civil penalty in an amount not to exceed five per cent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed one hundred per cent of the original amount improperly withheld from escrow; (2) in the case of a knowing violation, be required within fifteen days to place such funds into escrow as shall bring it into compliance with section 4-28i, as amended. The court, upon a finding of a knowing violation of this subsection, may impose a civil penalty in an amount not to exceed fifteen per cent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed three hundred per cent of the original amount improperly withheld from escrow; and (3) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the state, whether directly or through a distributor, dealer or similar intermediary, for a period not to exceed two years. All costs, fees and expenses in connection with such action shall be assessed as damages against the tobacco product

manufacturer together with reasonable attorney's fees.

(c) Each failure to make an annual deposit required under section 4-28i, as amended, shall constitute a separate violation.

Sec. 108. Section 12-302 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) Except as otherwise provided in subsection (b) of this section, each distributor shall affix, or cause to be affixed, at the location for which such distributor's license is issued, in such manner as the commissioner may specify in regulations issued pursuant to this chapter, to each individual package of cigarettes sold or distributed by the distributor, stamps of the proper denomination, as required by section 12-296. Such stamps may be affixed by a distributor at any time before the cigarettes are transferred out of the distributor's possession.

(b) No distributor shall affix, or cause to be affixed, to a package of cigarettes sold or distributed by such distributor, stamps, if the package (1) is not labeled in conformity with the requirements of the federal Cigarette Labeling and Advertising Act, 79 Stat. 282, 15 USC 1331 et seq., or any other federal requirement for the placement of labels, warnings and other information, applicable to packages of cigarettes that are intended to be sold within the United States; (2) bears any label or notice prescribed by the United States Department of Treasury to identify cigarettes intended for export and exempt from tax by the United States pursuant to 26 USC 5704(b), including "For export only", "U.S. Tax-exempt", "For use outside U.S." or similar wording indicating that the manufacturer did not intend that the product be sold within the United States, including any notice or label described in 27 CFR 290.185; (3) has been imported into the United States after January 1, 2000, in violation of 26 USC 5754 or regulations adopted thereunder; (4) in any way violates federal trademark or copyright law or if all federal taxes due have not been paid on the cigarettes; **[**or**]** (5) has been modified or altered by a person other than the manufacturer or person specifically authorized by the

manufacturer, including modification or alteration by the placement of a sticker or label to cover information, including the wording, labels or warnings described in subdivision (1) or (2) of this subsection, on the package; or (6) has been manufactured or sold by a tobacco product manufacturer that is in violation of subdivision (2) of subsection (a) of section 4-28i, as amended, or section 4-28j, as amended by this act, and the distributor has been notified by the commissioner of such violation. Notwithstanding the provisions of section 12-15, as amended, the commissioner may disclose to the public the name of any person who has violated the provisions of section 4-28i, as amended, or section 4-28j, as amended by this act.

Sec. 109. Section 12-303 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) Except as otherwise provided in subsection (b) of this section, each dealer shall, within twenty-four hours after coming into possession of any cigarettes not bearing proper stamps evidencing payment of the tax imposed by this chapter, and before selling such cigarettes, affix or cause to be affixed, at the location for which such dealer's license is issued, in such manner as the commissioner may specify in regulations issued pursuant to this chapter, to each individual package of cigarettes, stamps of the proper denomination, as required by section 12-296.

(b) No dealer shall affix, or cause to be affixed, to a package of cigarettes sold or distributed by such dealer, stamps, if the package (1) is not labeled in conformity with the requirements of the federal Cigarette Labeling and Advertising Act, 79 Stat. 282, 15 USC 1331 et seq., or any other federal requirement for the placement of labels, warnings and other information, applicable to packages of cigarettes that are intended to be sold within the United States; (2) bears any label or notice prescribed by the United States Department of Treasury to identify cigarettes intended for export and exempt from tax by the United States pursuant to 26 USC 5704(b), including "For export only",

"U.S. Tax-exempt", "For use outside U.S." or similar wording indicating that the manufacturer did not intend that the product be sold within the United States, including any notice or label described in 27 CFR 290.185; (3) has been imported into the United States after January 1, 2000, in violation of 26 USC 5754 or regulations adopted thereunder; (4) in any way violates federal trademark or copyright law or if all federal taxes due have not been paid on the cigarettes; **[**or**]** (5) has been modified or altered by a person other than the manufacturer or person specifically authorized by the manufacturer, including modification or alteration by the placement of a sticker or label to cover information, including the wording, labels or warnings described in subdivision (1) or (2) of this subsection, on the package; or (6) has been manufactured or sold by a tobacco product manufacturer that is in violation of subdivision (2) of subsection (a) of section 4-28i, as amended, or section 4-28j, as amended by this act, and the dealer has been notified by the commissioner of such violation. Notwithstanding the provisions of section 12-15, as amended, the commissioner may disclose to the public the name of any person who has violated the provisions of section 4-28i, as amended, or section 4-28j, as amended by this act.

Sec. 110. (NEW) (*Effective from passage*) Not later than September 30, 2002, the Commissioner of Social Services shall submit an amendment to the Medicaid state plan to implement the provisions of public act 02-1 of the May 9 special session concerning optional services under the Medicaid program. Said state plan amendment shall supercede any regulations of Connecticut state agencies concerning such optional services.

Sec. 111. Subsection (b) of section 76 of public act 01-9 of the June special session is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The Commissioner of Correction shall **[**, within available appropriations,**]** contract for the provision of ombudsman services and shall annually report the name of the person or persons with whom

the department has so contracted to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction in accordance with the provisions of section 11-4a of the general statutes.

Sec. 112. Subsections (a) to (c), inclusive, of section 10-264l of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage):*

(a) The Department of Education shall, within available appropriations, establish a grant program to assist local and regional boards of education, regional educational service centers and cooperative arrangements pursuant to section 10-158a with the operation of interdistrict magnet school programs. For the purposes of this section "an interdistrict magnet school program" means a program which (1) supports racial, ethnic and economic diversity, (2) offers a special and high quality curriculum, and (3) requires students who are enrolled to attend at least half-time. An interdistrict magnet school program does not include a regional vocational agriculture school, a regional vocational-technical school or a regional special education center. On and after July 1, 2000, the governing authority for each interdistrict magnet school program <u>that is in operation prior to July 1, 2005,</u> shall restrict the number of students that may enroll in the program from a participating district to eighty per cent of the total enrollment of the program. <u>The governing authority for each interdistrict magnet school program that begins operations on or after July 1, 2005, shall (A) restrict the number of students that may enroll in the program from a participating district to seventy-five per cent of the total enrollment of the program, and (B) maintain such a school enrollment that at least twenty-five per cent but not more than seventy-five per cent of the students enrolled are pupils of racial minorities, as defined in section 10-226a.</u>

(b) Applications for interdistrict magnet school program operating grants awarded pursuant to this section shall be submitted annually to

the Commissioner of Education at such time and in such manner as the commissioner prescribes. In determining whether an application shall be approved and funds awarded pursuant to this section, the commissioner shall consider, but such consideration shall not be limited to: (1) Whether the program offered by the school is likely to increase student achievement; (2) whether the program is likely to reduce racial, ethnic and economic isolation; **[**and**]** (3) the percentage of the student enrollment in the program from each participating district; **[**. On and after July 1, 2000, the**]** and (4) the proposed operating budget and the sources of funding for the interdistrict magnet school. If requested by the commissioner, the applicant shall meet with the commissioner or the commissioner's designee to discuss the budget and sources of funding. The commissioner shall not award a grant to a program that is in operation prior to July 1, 2005, if more than eighty per cent of its total enrollment is from one school district, except that the commissioner may award a grant for good cause, for any one year, on behalf of an otherwise eligible magnet school program, if more than eighty per cent of the total enrollment is from one district. The commissioner shall not award a grant to a program that begins operations on or after July 1, 2005, if more than seventy-five per cent of its total enrollment is from one school district or if less than twenty-five or more than seventy-five per cent of the students enrolled are pupils of racial minorities, as defined in section 10-226a, except that the commissioner may award a grant for good cause, for one year, on behalf of an otherwise eligible interdistrict magnet school program, if more than seventy-five per cent of the total enrollment is from one district or less than twenty-five or more than seventy-five per cent of the students enrolled are pupils of racial minorities. The commissioner may not award grants pursuant to such an exception for a second consecutive year.

(c) (1) The maximum amount each interdistrict magnet school program shall be eligible to receive per enrolled student shall be determined as follows: **[**(1)**]** (A) For each participating district whose magnet school program enrollment is equal to or less than thirty per

cent of the magnet school program total enrollment, ninety per cent of the foundation as defined in subdivision (7) of section 10-262f, as amended; **[**(2)**]** (B) for each participating district whose magnet school program enrollment is greater than thirty per cent but less than or equal to sixty per cent of the magnet school program total enrollment, a percentage between sixty and ninety per cent of said foundation that is inversely proportional to the percentage of magnet school program students from such district; and **[**(3)**]** (C) for each participating district whose magnet school program enrollment is greater than sixty per cent but less than or equal to ninety per cent of the magnet school program total enrollment, a percentage between zero and sixty per cent of said foundation that is inversely proportional to the percentage of magnet school program students from such district. The amounts so determined shall be proportionately adjusted, if necessary, within the limit of the available appropriation, and in no case shall any grant pursuant to this section exceed the reasonable operating budget of the magnet school program, less revenues from other sources. Any magnet school program operating less than full-time but at least half-time shall be eligible to receive a grant equal to sixty-five per cent of the grant amount determined pursuant to this subsection.

(2) For fiscal years ending June 30, 2003, and June 30, 2004, the commissioner may, within available appropriations, provide supplemental grants for the purposes of enhancing educational programs in such interdistrict magnet schools as the commissioner determines. Such grants shall be made after the commissioner has reviewed and approved the total operating budget for such schools, including all revenue and expenditure estimates.

Sec. 113 (*Effective from passage*) (a) The appropriation to the Department of Transportation in subsection (a) of section 47 of special act 01-1 of the June special session, and carried forward by subsection (2) of said section, as amended by section 2 of special act 01-1 of the November special session, for the Transportation Strategy Board, shall be reduced by $364,000.

(b) The sum of $1,200,000 of the amount appropriated to the Department of Transportation in subsection (a) of section 47 of special act 01-1 of the June special session, and carried forward by subsection (2) of said section, as amended by section 2 of special act 01-1 of the November special session, for the Transportation Strategy Board, shall be expended as follows: (1) $1,000,000 for jobs access programs to Southeast Connecticut and Dial-A-Ride; (2) $100,000 for a study of an L Bus Route; (3) $100,000 for an urban downtown traffic plan or downtown distributor transportation services to rail passengers.

Sec. 114. (*Effective from passage*) Section 17 of public act 02-1 of the May 9 special session is amended to read as follows:

The following amounts credited to the resources of the General Fund, for the fiscal year ending June 30, 2002, pursuant to sections 1 to 18, inclusive, of **[**this act**]** public act 02-1 of the May 9 special session, shall be transferred as follows:

	$	
LEGISLATIVE MANAGEMENT		
CTN	1,500,000	
OFFICE OF POLICY AND MANAGEMENT		
Amistad	75,000	
Adopt-a-House in Stamford	10,000	
Waterbury Youth Net		200,000
Library Improvements		36,000
OTHER THAN PAYMENTS TO LOCAL GOVERNMENTS		
Arts Grants	**[**900,000**]**	1,100,000
PAYMENTS TO LOCAL GOVERNMENTS		
Local Aid Adjustment	3,000,000	
AGENCY TOTAL	**[**3,985,000**]**	4,421,000
DEPARTMENT OF VETERANS AFFAIRS		
Transitional Living Services for Veterans	400,000	
OFFICE OF WORKFORCE		

T72	COMPETITIVENESS		
T73	Workforce Development Boards	350,000	
T74			
T75	LABOR DEPARTMENT		
T76	Opportunity Industrial Centers –	100,000	
T77	Bridgeport		
T78	Individual Development Accounts	325,000	
T79	AGENCY TOTAL	425,000	
T80			
T81	DEPARTMENT OF AGRICULTURE		
T82	CT Seafood Advisory Council	50,000	
T83	Food Council	25,000	
T84	Wine Council	25,000	
T85	AGENCY TOTAL	100,000	
T86			
T87	DEPARTMENT OF ENVIRONMENTAL		
T88	PROTECTION		
T89	Grants for Water programs	75,000	
T90	Recreational Fishing Programs	1,000,000	
T91	AGENCY TOTAL	1,075,000	
T92			
T93	DEPARTMENT OF ECONOMIC AND		
T94	COMMUNITY DEVELOPMENT		
T95	Women's Business Development Center	10,000	
T96	OTHER THAN PAYMENTS TO LOCAL		
T97	GOVERNMENTS		
T98	Entrepreneurial Centers	200,000	
T99	PAYMENTS TO LOCAL GOVERNMENTS		
T100	Tax Abatement	2,243,276	
T101	Payment in Lieu of Taxes	2,900,000	
T102	AGENCY TOTAL	5,353,276	
T103			
T104	DEPARTMENT OF PUBLIC HEALTH		
T105	Tobacco Education	**[**1,247,208**]**	361,208
T106	Biomedical Research	500,000	
T107	PAYMENTS TO LOCAL GOVERNMENTS		
T108	School Based Health Clinics	145,000	
T109	AGENCY TOTAL	**[**1,892,208**]**	1,006,208
T110			
T111	DEPARTMENT OF MENTAL		
T112	RETARDATION		

T113	New Family Center	12,000	
T114			
T115	DEPARTMENT OF MENTAL HEALTH		
T116	AND ADDICTION SERVICES		
T117	Institute for Municipal and Regional Policy	100,000	
T118	Connecticut Mental Health Center		450,000
T119	Regional Action Councils		200,000
T120	OTHER THAN PAYMENTS TO LOCAL		
T121	GOVERNMENTS		
T122	Grants for Mental Health Services	375,000	
T123	AGENCY TOTAL	[475,000]	1,125,000
T124			
T125	DEPARTMENT OF SOCIAL SERVICES		
T126	OTHER THAN PAYMENTS TO LOCAL		
T127	GOVERNMENTS		
T128	School Readiness	200,000	
T129	Community Services	150,000	
T130	Enhanced Funding for Griffin Hospital	200,000	
T131	Stamford Hospital	2,500,000	
T132	Yale-New Haven Hospital	3,300,000	
T133	Legal Immigrants	1,200,000	
T134	Nursing Home Staffing	2,000,000	
T135	Epilepsy Project	50,000	
T136	Elderly Health Screening	100,000	
T137	Elderly Express	80,000	
T138	Geriatric Assessment	30,000	
T139	Human Resource Development	400,000	
T140	PAYMENTS TO LOCAL GOVERNMENTS		
T141	Teen Pregnancy Prevention	25,000	
T142	AGENCY TOTAL	10,235,000	
T143			
T144	DEPARTMENT OF EDUCATION		
T145	Jason Project	150,000	
T146	Connecticut Writing Project	75,000	
T147	PAYMENTS TO LOCAL GOVERNMENTS		
T148	Youth Service Bureau	15,000	
T149	Magnet Schools	912,000	
T150	Young Parents Program - The Bridge	25,000	
T151	AGENCY TOTAL	1,177,000	
T152			
T153	STATE LIBRARY		

T154	OTHER THAN PAYMENTS TO LOCAL		
T155	GOVERNMENTS		
T156	Basic Cultural Resources Grant	130,000	
T157	Grants - Local Institutions in Humanities	205,000	
T158	AGENCY TOTAL	335,000	
T159			
T160	DEPARTMENT OF HIGHER EDUCATION		
T161	Minority Advancement Program	[657,029]	207,029
T162	Saturday Academy	100,000	
T163	New England Board of Higher Education		250,000
T164	AGENCY TOTAL	[757,029]	557,029
T165			
T166	UNIVERSITY OF CONNECTICUT		
T167	Veterinary Diagnostic Laboratory	50,000	
T168			
T169	DEPARTMENT OF CORRECTION		
T170	OTHER THAN PAYMENTS TO LOCAL		
T171	GOVERNMENTS		
T172	Community Residential Services	240,000	
T173			
T174	BOARD OF PAROLE		
T175	OTHER THAN PAYMENTS TO LOCAL		
T176	GOVERNMENTS		
T177	Community Residential Services	40,000	
T178			
T179	DEPARTMENT OF CHILDREN AND		
T180	FAMILIES		
T181	OTHER THAN PAYMENTS TO LOCAL		
T182	GOVERNMENTS		
T183	Stamford Child Guidance Clinic	10,000	
T184	Fund Covenant to Care	150,000	
T185	Fund Neighborhood Center	90,000	
T186	AGENCY TOTAL	250,000	
T187			
T188	JUDICIAL DEPARTMENT		
T189	Alternative Incarceration Program	400,000	
T190			
T191	TOTAL	29,051,513	

3779 Such funds shall not lapse on June 30, 2002, and shall continue to be

available for expenditure for such purpose during the fiscal year ending June 30, 2003.

Sec. 115. (*Effective from passage*) (a) The sum of $200,000 appropriated to the Office of Policy and Management in section 2 of special act 01-1 of the June special session, as amended by section 19 of public act 02-1 of the May 9 special session, for Other Expenses, shall be transferred to the Department of Social Services for Elderly Services.

(b) The sum of $300,000 is appropriated to the Department of Social Services for the State Food Stamp Supplement.

(c) The sum of $64,000 is appropriated to the Office of Policy and Management for Library Improvements.

Sec. 116. (*Effective from passage*) Sections 10-223b to 10-223d, inclusive, and 17b-605 of the general statutes, subsection (a) of section 44 of public act 02-1 of the May 9 special session and section 47 of public act 02-1 of the May 9 special session are repealed.

This act shall take effect as follows:	
Section 1	*from passage*
Sec. 2	*from passage*
Sec. 3	*from passage*
Sec. 4	*from passage*
Sec. 5	*July 1, 2003*
Sec. 6	*from passage*
Sec. 7	*from passage*
Sec. 8	*from passage*
Sec. 9	*from passage*
Sec. 10	*from passage*
Sec. 11	*from passage*
Sec. 12	*from passage*
Sec. 13	*from passage*
Sec. 14	*from passage*
Sec. 15	*September 1, 2002*
Sec. 16	*September 1, 2002*

Sec. 17	*from passage*
Sec. 18	*from passage*
Sec. 19	*from passage*
Sec. 20	*from passage*
Sec. 21	*from passage*
Sec. 22	*from passage*
Sec. 23	*from passage*
Sec. 24	*from passage*
Sec. 25	*from passage*
Sec. 26	*from passage*
Sec. 27	*from passage*
Sec. 28	*from passage*
Sec. 29	*from passage*
Sec. 30	*from passage*
Sec. 31	*from passage*
Sec. 32	*from passage*
Sec. 33	*from passage*
Sec. 34	*from passage*
Sec. 35	*from passage*
Sec. 36	*from passage*
Sec. 37	*from passage*
Sec. 38	*October 1, 2002*
Sec. 39	*from passage*
Sec. 40	*October 1, 2002*
Sec. 41	*October 1, 2002*
Sec. 42	*October 1, 2002*
Sec. 43	*October 1, 2002*
Sec. 44	*October 1, 2002*
Sec. 45	*from passage*
Sec. 46	*from passage*
Sec. 47	*from passage*
Sec. 48	*from passage*
Sec. 49	*from passage*
Sec. 50	*from passage*
Sec. 51	*from passage*
Sec. 52	*from passage*
Sec. 53	*from passage*
Sec. 54	*from passage*
Sec. 55	*from passage*
Sec. 56	*from passage*

Sec. 57	*from passage*
Sec. 58	*from passage*
Sec. 59	*from passage*
Sec. 60	*from passage*
Sec. 61	*from passage*
Sec. 62	*from passage*
Sec. 63	*from passage*
Sec. 64	*from passage*
Sec. 65	*from passage*
Sec. 66	*from passage*
Sec. 67	*from passage*
Sec. 68	*from passage*
Sec. 69	*from passage*
Sec. 70	*from passage*
Sec. 71	*from passage*
Sec. 72	*July 1, 2002*
Sec. 73	*from passage*
Sec. 74	*from passage*
Sec. 75	*from passage*
Sec. 76	*from passage*
Sec. 77	*from passage*
Sec. 78	*from passage*
Sec. 79	*from passage*
Sec. 80	*from passage*
Sec. 81	*from passage*
Sec. 82	*from passage*
Sec. 83	*from passage*
Sec. 84	*from passage*
Sec. 85	*from passage*
Sec. 86	*from passage*
Sec. 87	*from passage*
Sec. 88	*from passage*
Sec. 89	*from passage*
Sec. 90	*from passage*
Sec. 91	*from passage*
Sec. 92	*from passage*
Sec. 93	*from passage*
Sec. 94	*September 1, 2002*
Sec. 95	*from passage*
Sec. 96	*from passage*

Sec. 97	*from passage*
Sec. 98	*from passage*
Sec. 99	*from passage*
Sec. 100	*from passage*
Sec. 101	*from passage*
Sec. 102	*from passage*
Sec. 103	*from passage*
Sec. 104	*from passage*
Sec. 105	*from passage*
Sec. 106	*from passage*
Sec. 107	*October 1, 2002*
Sec. 108	*October 1, 2002*
Sec. 109	*October 1, 2002*
Sec. 110	*from passage*
Sec. 111	*from passage*
Sec. 112	*from passage*
Sec. 113	*from passage*
Sec. 114	*from passage*
Sec. 115	*from passage*
Sec. 116	*from passage*